

# TRADE TALK

VOLUME 18, ISSUE 3      DECEMBER 2006

## A SPECIAL THANKS TO OUR CUSTOMERS

First of all we would like to wish all of our customers a Merry Christmas, Happy Holidays and a Happy and bountiful New Year. This is a special time for many of us to celebrate our faith and enjoy the spirit of giving that warms the hearts and souls of children, family and friends. It is also a time to give thanks and contemplate the coming New Year with celebration and/or resolutions to improve one thing or another.

As we move toward the close of 2006, all of us at the Rogers & Brown family of companies want to extend a special thanks to all of our customers and friends for the business we do together. With your support Rogers & Brown has continued to grow and in many cases expanded the services that we provide. As a traditional service provider of Customhouse brokerage and freight

forwarding services, Rogers & Brown has expanded its services and now provides a much broader level of services to our customers including International Ocean and Air Transportation, NVOCC services, Warehousing and Distribution, Cross-docking, Duty Drawback, Compliance and Special Services, North American Third Party Logistics, Domestic Transportation, One-way Load Matching, Customs Bonds, Marine Insurance, and more. We believe that our organization can meet or exceed your needs and service expectations while providing you with competitive and in many instances, money-saving cost structures. As important, our staff makes the difference in our organization. We take pride in training our staff in their areas of responsibility and instilling in them the importance of excellent



customer service by empowering them to make a difference. As we move forward in 2007, our goal is to better educate our customers of the many and varied services we provide. We will begin a new marketing campaign which will include new ads in trade publications as well one page information flyers covering various aspects of our services. More detailed information about these services can be obtained from our website at <http://www.rogers-brown.com> or if you would prefer a personal visit contact our Director of Sales & Marketing, Ken Bolin at 864-801-8300, Ext. 111.

### SPECIAL POINTS OF INTEREST:

- *Automated Commercial Environment (ACE) is the new U.S. trade processing system for U.S. Customs and Border Protection (CBP).*
- *New penalty guidelines issued by Customs Border Protection (CBP).*

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## ACE-ESAR

## AUTOMATED COMMERCIAL ENVIRONMENT - ENTRY SUMMARY, ACCOUNTS AND REVENUE

The Automated Commercial Environment (ACE) is the new U.S. trade processing system for U.S. Customs and Border Protection (CBP). The CBP transition to ACE began in October 2003 when the ACE Secure Data Portal was rolled out. The web page provides access to CBP information via the Internet for CBP, the trade community and participating government agencies.

Along with minimizing the requirement of paper, ACE is expected to:

- Provide CBP with tools to efficiently process imports/exports;
- Improve communication and compliance efforts between CBP and the trade; and
- Provide an information-sharing platform for trade data

The enhancements that are scheduled to take place will impact the way Custom-brokers and CBP (Customs and Border Protection) conduct their daily business. One of the results of this enhancement is to improve processes and enhance communication while eliminating the paper requirements. As Customs has published on their website "FACT SHEET, ESAR at a Glance":

"Through the consolidation and integration that will come

with the expansion of ACE account-based processing, CBP will further streamline its operations, reevaluate business needs, and either reduce or eliminate altogether any redundant requirements to significantly decrease the amount of paper required to meet them."

Some of the changes that are scheduled to impact brokers in the coming months and years include:

- The elimination of the 10 day window to correct the Entry Summary. Once cargo has been released then the Entry must be changed using a "Post Entry Correction (PEC)", and the reason for the correction will be documented. A PEC can be conducted online, or with an SIL as is currently in practice;
- Multiple changes to an Entry may be made online using the PEC method;
- Changes can be made using the PEC format up to 183 days, after which an extension in liquidation request must be made in order to amend the entry in this manner. Responses to the PEC filed online will be sent back to the filer via ABI ;
- There will no longer be the requirement to submit documents for "02" and "03" (ADD/CVD or Quota) Entries unless they are requested;
- Bar coding and electronic scanning will become acceptable means of forwarding requested documents;
- A Census Warning Override program will be implemented to allow Custombrokers the ability to "correct an Entry" in advance of the ABI submission on files where they "know" there will be a Census error;
- An ADD/CVD Reconciliation voluntary prototype will be rolled out;
- Ultimate consignee information will be available at the line level;
- Periodic Daily Statements will be eliminated, and
- E-bonds will be required for both Continuous and Single Entry Bond filing.

These are only some of the proposed amendments. The Customs' website ([www.cbp.gov](http://www.cbp.gov)) has detailed information relating to ACE and the expected enhancements. In addition, feel free to contact Rogers & Brown for more detailed information.



**However beautiful  
the strategy, you  
should  
occasionally look  
at the results!**  
**Winston Churchill**

## ANNUAL AVIATION SECURITY NOTIFICATION

As an Indirect Air Carrier (IAC), Rogers & Brown personnel just completed re-certification of their Indirect Air Carrier Security Training which is required by the Transportation Security Administration (TSA). In order to handle air freight cargo, our company and other IACs must have an approved Air Security Program. Rogers &

Brown is in compliance with the TSA's approved security program and all appropriate amendments.

**“Cargo items tendered for air transportation are subject to aviation security controls by air carriers and, when appropriate, other government regulations.”**

**Copies of all relevant shipping documents showing the cargo's consignee, consignor, description, and other relevant data will be retained on file until the cargo completes its air transportation.”**

As noted, Rogers & Brown has a full-service air freight

group that can assist you with your air freight needs worldwide. Contact Tanya Burton, Manager of our Air Transportation Group at 864-879-2157.

## NOTICE TO CLIENTS ON METHOD OF DUTY PAYMENTS

Customhouse brokers are mandated to notify their import clients each year of their right to make duty payments in the following format:

**“If you are the importer of record, payments to the broker (Rogers & Brown Custom Brokers, Inc.) will not relieve you of the liability for Customs and Border Protection (CBP) charges (duties, taxes, or other debts owed CBP) in the event the charges are not paid by the broker. Therefore, if you pay by check, CBP charges may be paid with a separate check payable to the “CBP” which shall be delivered to the CBP by the broker.”**

Rogers & Brown encourages all importers to issue checks

payable to CBP for their import duties or that they participate in CBP's Automated Clearinghouse (ACH) program. If you have access to the internet, go to the U.S. Customs and Border Protection website [http://www.customs.ustreas.gov/xp/cgov/import/operations\\_support/automated\\_systems/ach/](http://www.customs.ustreas.gov/xp/cgov/import/operations_support/automated_systems/ach/) for detailed information regarding ACH and how it works, or contact our corporate Director of Accounting, Ms. Cindy Weeks at (843) 577-3630 or your Sales Representative for additional information. You may also qualify for CBP's Periodic Monthly Statement program which allows the importer to pay all of their duties 15 days after the end of each month. In some instances this provides credit for up to 45 days from the

date duties and related government fees are due.

This also provides protection to the importer in that these charges are paid directly to CBP should your Customhouse broker be unable for some reason to pay monies you have paid them. We also ask that you respect the fact that our service fees are minimal in comparison to duties as well as other charges, and we always appreciate your payment of our invoices in sufficient time to pay duty, freight, and other charges accrued on your behalf.

**Avoid popularity if you would have peace.**

**Abraham Lincoln**



## MANAGEMENT CHANGES/PROMOTIONS

In our April 2006 issue of Tradetalk we indicated that Beth Morris was promoted to Manager of Drawback and Compliance. Ms. Morris was actually promoted to Director of Drawback and Compliance, elevating this position to reflect the emphasis we place on Compliance in our organization. As a C-TPAT certified company, Rogers & Brown has recently undergone validation by U.S. Customs and Border Protection.

**Debbie Oates** came to Rogers & Brown in 2000 after 10 years experience in the food brokerage business. Having been hired as an Import Customer Service Representative, Debbie was quickly promoted to team leader. After serving as an Import Customer Team Leader for 5 years, Debbie was promoted to Corporate office Import Manager, in September of 2006. Debbie resides in Hanahan, SC with her husband Jerry and has 5 children and 3 grandchildren.

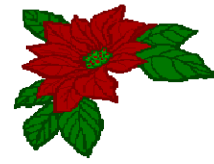
**Stephen (Steve) Little** recently joined Rogers & Brown as Corporate office Export Manager, with more than 34 years experience in the air and ocean freight forwarding industry, Steve was recently Regional Vice President, Eastern USA, for AFC Worldwide Express in Atlanta, GA. Steve has more than 22 years experience with British Airways World Cargo from Cargo Manager in the Dallas/Houston area, District Manager for New England, Cargo Manager in Western Canada and Cargo Marketing Officer for Canada. A graduate of Sheridan College in Brampton, Ontario, Canada in Business Administration, Steve completed a British Airways School of Management program in the UK and a Sociology Undergraduate program at the University of Toronto.

Steve resides with his wife, Marilyn in Mt. Pleasant, SC.

**Michael Breed**, formerly with DHL Global Forwarding in Charlotte, has joined

Rogers & Brown as of September 2006 as District Sales Manager covering Eastern and Central North Carolina and northeastern South Carolina. Prior to working with DHL Michael was employed with FedEx Trade Networks in Tonawanda, NY for five years. Michael, originally from Niagara Falls, NY resides in Rock Hill, SC.

**Floyd Sirico**, employed with Rogers & Brown since 1987 has been promoted to Corporate office Entry Manager. With more than 44 years in the Customs Brokerage business, Mr. Sirico has a wealth of knowledge in the entry and Harmonized Tariff area of our business. Originally from the Bronx, New York, Mr. Sirico worked for Leyden Customs Expeditors, Inc., Alba Forwarding Co., Inc., and H.W. Robinson & Co., Inc. before moving South with his wife and family. Mr. Sirico has 2 children, 3 grandchildren and resides in Goose Creek, SC with his wife Sally.



### Holiday Schedules

#### Rogers & Brown

##### Christmas

**Closed - December 25**

##### New Year's

**Closed - January 1**

**There is no  
distinctly  
American criminal  
class – except  
Congress.  
Mark Twain**

## SOUTH CAROLINA OFFERS TAX INCENTIVES

The South Carolina legislature recently passed a new tax incentive aimed at luring new distribution centers to the state while rewarding new and existing businesses in the state for their increased use of the Port

of Charleston. Through the International Trade Incentive Program, companies in the state that are involved in manufacturing, warehousing or distribution may apply for state income tax credits from an available pool of \$8

million. According to Bernard S. Groseclose Jr., president and CEO of the South Carolina State Ports Authority the incentive works to make the state more competitive in attracting distribution centers and foreign investment while



## SOUTH CAROLINA OFFERS TAX INCENTIVES CONTINUED

encouraging companies already here to increase their business through the port. Any taxpaying company that ships at least 75 net tons of non-containerized cargo or 10 fully loaded 20-foot containers and increases its

port cargo volume by at least 5% in a single calendar year is eligible to apply. The program is starting at the end of 2006 and initial allocation of credits will be based on increases from 2005. The deadline for applications will

be March 1, 2007 and the state's Coordinating Council for Economic Development will allocate the tax credits. Businesses involved in global trade are advised to keep thorough records in order to ensure qualification for the

tax incentive. For more information about the program go to the South Carolina Ports Authority website at <http://www.scsipa.com/business/ITIP.asp>.

## OFFICE RELOCATIONS

**Houston, Texas** – Although many of you may be well aware of the move, please note that our Houston office has recently moved to:

**3340-D Greens Road  
Suite 300  
Houston, TX 77032  
Phone: 713.861.7178  
Fax: 713.868.1039**

Our new office is located out by the International Airport and we now have approximately 4000 square feet of warehouse and cross-docking space. For more information contact our Division Manager, Ms. Lori Mullins at the above phone number.

**Atlanta, Georgia** – As of

the end of January 2007, we will be moving to a new facility near the Hartsfield International Airport. The new address will be:

**Airlogistics Center II  
107 Forest Parkway  
Forest Park, GA 30297  
Phone: 404.766.4040  
Fax: 404.766.4464**

Phone and fax numbers will remain the same and for additional information please contact our Division Manager, Mr. David Morris at the above phone number. This new facility offers more than 30,000 square feet of warehouse and cross-docking space.

## CONGRESS RENEWS GSP WITH PASSAGE OF TRADE PACKAGE

With the passage of the recent mini-omnibus trade bill before Congress recessed for 2006, all of the hard work and efforts of the trade community resulted in the inclusion and renewal of the Generalized System of Preferences (GSP) for two years. There were some caveats in the extension which urged the president to limit the availability of GSP benefits for super-competitive products by revoking competitive-need limit (CNL) waivers whenever a country either (a) supplies more than \$180 million per year of the good, or (b) more than 75 percent of total U.S. imports

of the product. According to the new law a waiver in effect for five or more years can be revoked by the president beginning July 1, 2007.

In addition to extension of GSP, the final bill included extensions of several expiring trade programs and several other measures aimed at keeping U.S. global trade moving smoothly. Some of the other agreements approved were permanent Normal Trade Relations to the Products of Vietnam which grants unconditional normal trade relations to Vietnam; Haitian Hemispheric Opportunity through Partnership Encouragement

(HOPE) Act which extends duty-free entry to specified apparel articles made and/or assembled in Haiti, the United States, a beneficiary country of a U.S. trade preference program, or a country party to a U.S. free trade agreement; Miscellaneous Tariff Bill (MTB) which provide temporary duty reductions on a variety of items not manufactured in the United States; Modifications to the tariff schedule and other technical corrections; African Growth and Opportunity Act (AGOA) extension of special "third country fabric" provision to 2012 which

permits least developed sub-Saharan participating countries duty-free access for certain apparel made with third-country fabric; and Andean Trade Preference Act (ATPA) extension of the entire ATPA program, scheduled to expire on December 31. For additional information or research regarding provisions of the new Trade and Tax Package please contact Beth Morris or Jan McEachern in our Drawback, Compliance and Special Services group at 843-577-3630.

## CUSTOMS BORDER AND PROTECTION (CBP) INCREASES PENALTIES

Customs recently amended penalty guidelines for merchandise removed or delivered from the place of unloading, the terminal or the port without authorization and/or examination. These new penalties took effect December 6 and the new mitigation schedules are noted below:

- A first time violation may be mitigated upon payment of an amount equal to the lesser of: (1) 75 percent of the domestic value of the merchandise at issue or (2) a flat sum ranging from \$10,000 to \$25,000.
- Second violations may be mitigated upon payment of an amount equal to the lesser of: (1) 75 percent of the domestic value of the merchandise at issue or (2) a flat sum ranging from \$25,001 and \$50,000.
- Third and subsequent violation may be mitigated upon payment of an amount equal to the lesser of: (1) 75 percent of the domestic value of the merchandise at issue or (2) a flat sum ranging from \$50,000 to \$75,000.

Each party involved in the violation may be subject to these new penalties.

## SHIPPERS HAVE MORE LIABILITY THAN THEY MIGHT REALIZE

Under General Average, those shippers whose cargo survives a voyage are charged to repay the loss of another shipper whose cargo may have been jettisoned or lost for the protection of the vessel and the remaining cargo. Any shipper whose cargo arrives intact when others' shipper's cargo was lost may face a General Average charge. An example would be that you may ship \$5000 work or

goods yet be faced with a \$150,000 General Average claim for cargo lost by others. Insuring cargo under the minimum, "Institute Cargo Clauses C" will cover General Average claims. The only sure way to protect yourself is to have your cargo insured, not with the \$500 per box limit under Hague-Visby, but with full cargo insurance. If your cargo is not insured and there is a General Average

loss (and there are more than most shippers would imagine), not only will you be required to share in the loss, but you will likely be required to post a bond or make a cash payment for your portion of the estimated loss before your goods are released by the carrier. There are obviously more risks that just General Average losses making it imperative for shippers to

insure their goods. Piracy, weather, poor packing, mishandled freight, spoilage due to equipment malfunction, and similar risks all play a part in losses for shippers. For additional information please contact Ken Bolin at 864-801-8300 X111 or ask your Import or Export Customer Service Representative for assistance.

## ROGERS & BROWN OFFERS SPECIAL SERVICES

The Drawback, Compliance and Special Services Department is available for consulting in various areas such as duty drawback, free trade agreements, sugar re-export programs and duty engineering. With duty engineering we may be able to recommend ways to reduce the amount of duty you pay by advising possible changes to the way your product is manufactured or produced. We can also assist in accurate costing of your

product by pre-classifying your line before your orders ship.

Here are some recent updates. If you have any questions on these or in another area where we can be of assistance, please call Beth Morris at (843) 958-2235; Mary Crosby at (843) 958-2234 or Janice McEachern at (843) 958-2267.

**2007 HTS Implementation:** Uncertainty continues on

effective date, possibly mid to late February. Customs and Border Protection has extended the implementation to 45 days from the date the president signs it.

**GSP** (General System of Preferences) has been renewed through 2008. There may be some changes in July 2007 on some products.

**AGOA** (African Growth Opportunity Act) has been extended through September 30, 2012 for certain benefici-

ary countries with third-country fabric except for apparel goods made from components that are in "abundant supply" in Africa.

**Haiti** has a tentative trade preference program that has the same requirements as AGOA. The president will determine within 90 days of the bill's enactment if Haiti is eligible.

**ATPDEA** (Andean Trade Preference Drug Eradication Act) for goods from Bolivia,

## ROGERS & BROWN OFFERS SPECIAL SERVICES CONTINUED

Colombia, Ecuador and Peru has been extended for 6 months and could be extended for an additional

6 months.

**Vietnam** now has Permanent Normal Trade (PNT) relations status.

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS (CITA)

CITA just announced the establishment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the Socialist Republic of Vietnam and Suspension of Textile Visa Requirements for Ukraine. The directive issued to the Commissioner, Bureau of Customs and Border Protection, established limits for Vietnam and suspended all previous directives concerning visa requirements for the Ukraine and will become effective January 1, 2007.

The Bilateral Textile Agreement of July 17, 2003, as amended on July 22, 2004,

between the Governments of the United States and the Socialist Republic of Vietnam, establishes limits, until the Socialist Republic of Vietnam's entry into the World Trade Organization (WTO), for certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in the Socialist Republic of Vietnam and exported during the period January 1, 2007 through December 31, 2007. In a letter directed to the Commissioner, Bureau of Customs and Border Protection they were required to establish the 2007 limits. Exports of textile and apparel products from

Vietnam subject to the directive remain subject to visa and ELVIS requirements. Due to the expiration on December 31, 2006 of the bilateral textile agreement with Ukraine, the United States is suspending visa requirements for textile products from Ukraine exported after that date. It is not yet certain whether there will be negotiations on extension of the bilateral agreement with Ukraine. Visa requirements may be reinstated upon extension of the bilateral agreement. CITA is also directing the Bureau of Customs and Border Protection to temporarily suspend all textile visa requirements for goods

exported from Ukraine on and after January 1, 2007.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>).

For assistance in determining if your products are covered by this new directive or for assistance regarding this or other programs please contact Floyd Sirico or Linda Muccio at 843-577-3630.

## SECURITY, SECURITY AND MORE SECURITY

All you have to do is pick up any trade publication today and you see nothing but information about security. Whether it is about airports, port terminals, trucking related security, technology security – you name it, all of us are impacted by the new and costly security measures that have been placed upon us by Customs and Border Protection (CBP), Transportation

Services Administration (TSA), and other government and related businesses. Rogers & Brown has done our utmost to hold down and absorb costs associated with these security measures, but overall the impact has grown and will continue to impact us in many ways on a continuing basis as we move forward. As a C-TPAT certified company, Rogers

& Brown has had to tighten our controls in areas that were heretofore not necessary or required. As noted in this newsletter, we have promoted and elevated to a Director position a Compliance individual and added a position to monitor, audit and control our new responsibilities. We have had to improve physical security in our corporate office and other locations

to meet new mandated guidelines to include cameras and monitors that maintain up to 30 days of video of visitors, added identity badges for employees and visitors, provide background checks on all employees upon hiring and every subsequent three years for all employees, and added training classes to educate our employees of the dangers related to

## SECURITY, SECURITY AND MORE SECURITY

C-TPAT, TSA, Hazmat, and related programs. In addition to these more definitive items for the protection of our data and our customer data, extensive resources have been and are continuing to

be invested in development of contingency plans for natural and other disasters, terrorists incidents, pandemic flu, etc. The costing involved with all of these necessi-

tated measures or changes required for compliance with the various Security and Compliance issues are more than we can absorb, and we have implemented a "Security and Compliance Service Fee"

to assist with these spiraling costs. We trust that you understand and support our need for the "Security and Compliance Service Fee".

## U.S. CENSUS BUREAU TO BEGIN AES COMPLIANCE REVIEW PROGRAM

The U.S. Census Bureau's Foreign Trade Division will begin the AES Compliance Review program in January of 2007. Plans are to visit companies that report export information through the Automated Export System (AES) and meet and share reporting requirements with companies that have high compliance rates and companies that have areas that

need improvement. The focus of the AES Compliance Review program will be the following:

- Identify and develop best practices to ensure compliance and reporting accuracy
- Offer assistance and guidance with AES support, regulations, and product classifications

- Develop export reporting guidelines and procedures with your company
- Learn techniques to improve your exporting methods
- Let us help you get it right the first time

Avoid costly encounters with government enforcement

agencies.

If you are currently an AES filer you are likely already receiving a regular compliance report pointing out areas where you may not be in compliance. Shippers should be reviewing these reports and implementing measures to minimize or prevent errors.

## CUSTOMS TO PHASE IN NEW IMPORT DATA REQUIREMENTS

Customs and Border Protection intends to implement new rules requiring importers to provide additional data to identify high-risk shipments by the end of summer, 2007. The agency plans to phase in the "10+2" requirements to minimize their compliance burden. The commissioner of Customs and Border Protection, W. Ralph Basham has said he wants to be sure that all issues regarding the reporting requirements are resolved before moving to full compliance mode. The new "10+2" requirements were pinned such because of the requirements by Customs for 10 additional elements from

importers and 2 from carriers. Although the information that Customs is seeking appears relatively straightforward, comprising the names and addresses for all parties in the supply chain, from the manufacturer, to the party that stuffed the container, to the ultimate consignee for the goods, shippers voiced their concern that although this may sound simple enough in theory, getting to the data and being able to provide it electronically requires quite a bit of time and effort. The full list of required elements are:

**From Importers/Shippers:**

1. Manufacturer name and

- address
2. Seller name and address
3. Container stuffing location
4. Consolidator name and address
5. Buyer name and address
6. "Ship to" name and address
7. Importer of record
8. Consignee number
9. Country of origin of the goods
10. Commodity Harmonized Tariff Schedule number (six digits)

**From Ocean Carriers:**

focus of discussion. Members of the trade who attended the meeting said that providing data on foreign manufacturers will likely cause a greater burden on small- and mid-size importers. Basham and Michael Mullen, assistant commissioner for international affairs and trade relations, said that the phased implementation is meant to minimize the effect of providing the so-called 10+2 data.

According to Commissioner Basham, these new data elements will be used strictly for security purposes and not for compliance purposes.

## ROGERS & BROWN

Corporate Office  
P.O. Box 20160  
Charleston, SC 29413-0160  
Phone: 843.577.3630

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[WWW.ROGERS-BROWN.COM](http://WWW.ROGERS-BROWN.COM)

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Cathy Jones has been a vital part of the Rogers & Brown team since 1979. She is a licensed Customhouse Broker and has been managing the Greer office for 19 years. Clients have come to rely heavily on her in-depth industry knowledge, as well as her ability to quickly find and solve problems. Cathy is married with three children and lives in the Greenville, SC area.



Ships, trains, planes, nor trucks move product. People do. People who show up to work each day with sleeves rolled up. Proud employees dedicated to the success of their clients. Loyal folks who understand that time is money, assembly lines cannot stop, cars need tires.

The sleep we sacrifice puts our clients at ease. The solutions we invent help streamline business and move cargo faster. Global networks we build make storms, port congestion and tight security restrictions small hurdles. We are Rogers & Brown. Our tireless efforts bring certainty to an industry where much is left to chance.

**Our clients see us as more than a dedicated partner. They see us as heroes. Everyday**

### **Disclaimer Notice:**

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