



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 14th day of June 1999

**Trans Air Link Corp.**

**Served June 14, 1999**

**Violations of 14 CFR Part 212  
And 49 U.S.C. § 41101**

**CONSENT ORDER**

This order concerns unauthorized wet lease service by Trans Air Link Corp., a U.S. all-cargo air carrier with domestic and foreign authority, in violation of 49 U.S.C. § 41101 and 14 CFR Part 212. Under section 212.9 of the Department's rules (14 CFR 212.9), long-term wet leases between U.S. carriers and foreign air carriers must be submitted to the Department for prior approval. Any unauthorized wet lease service, moreover, violates the carrier's certificate authority issued under 49 U.S.C. §41101, which is specifically conditioned on the carrier's adherence to all pertinent regulatory requirements including the cited rule.<sup>1</sup>

In 1995, Trans Air Link negotiated a wet lease agreement with Aerochago, a carrier of the Dominican Republic, under which it performed numerous flights for the foreign carrier over a four-year period, primarily between points in its homeland and the U.S. Trans Air Link failed to obtain the requisite approval under section 212.9 in this instance.

In mitigation, Trans Air Link states the company underwent a change in ownership in January 1996 and that the seller represented at that time, as a term in the contract of sale, that all necessary government approvals were in place. The purchaser relied on such representations and at no time until advised by the Department was the purchaser aware of the possible violation.

---

<sup>1</sup> Trans Air Link received domestic all-cargo authority and foreign charter cargo authority from the Civil Aeronautics Board by Orders 83-4-97 and 83-5-80, respectively. The carrier performed service under the wet lease with three piston aircraft.

The Enforcement Office believes that Trans Air Link's recent violations of section 212.9 and its certificate authority warrant formal enforcement action. In order to avoid litigation, Trans Air Link has agreed to the issuance of this order to cease and desist and the findings made below. By this order, Trans Air Link is assessed \$15,000 in compromise of potential civil penalties otherwise assessable under 49 U.S.C. §46301, reflecting its violations of 14 CFR 212.9 and 49 U.S.C. § 41101 of which \$7,500 shall be paid as described below. The remaining \$7,500 shall be suspended for one year following the service date of this order and shall then be forgiven unless Trans Air Link, during the suspension period, fails to comply with the provisions of this order, including its cease and desist and payment provisions, in which case the entire unpaid portion of the \$15,000 assessed penalty shall become due and payable immediately. The Enforcement Office believes that the assessment of this civil penalty is warranted in light of the number of violations in question and the extended period over which they occurred. We believe this order will provide an incentive for air carriers to comply fully in the future with the prior approval requirements with respect to wet leases contained in Part 212.

This order is issued under the authority contained in 49 CFR 1.57a and 14 CFR 385.22.

ACCORDINGLY,

1. Based on the above discussion, we approve this settlement and the provisions of this order as in the public interest;
2. We find that Trans Air Link Corp. violated 14 CFR 212.9 and 49 U.S.C. §41101 by providing long-term wet lease service on behalf of Aerochago, a foreign air carrier, without obtaining prior Department approval of the wet lease agreement;
3. We order Trans Air Link Corp. to cease and desist from further violations of 14 CFR 212.9 and 49 U.S.C. §41101;
4. Trans Air Link Corp. is assessed \$15,000 in compromise of civil penalties that might otherwise be assessed for the violations found in ordering paragraph 2 of this order. Payment of \$7,500 of the assessed penalty shall be made in five equal payments of \$1,500. The first such payment shall be due 60 days after the service date of this order; the four subsequent payments shall be made at 60 day intervals thereafter. The remaining \$7,500 shall be suspended for one year following the service date of this order and shall then be forgiven unless Trans Air Link Corp. fails to comply with the payment provisions of this order or commits other violations of 14 CFR 212.9, 49 U.S.C. § 41101, or this order, during the year following service of this order, in which case the entire unpaid portion

of the \$15,000 assessed penalty shall become due and payable immediately and Trans Air Link Corp. may be subject to further enforcement action; and

5. Payments shall be made by wire transfer through the Federal Reserve Communications System, commonly known as "Fed wire," to the account of the U. S. Treasury in accordance with the attached instructions. Failure to pay the penalty as ordered will subject Trans Air Link Corp. to the assessment of interest, penalty and collection charges under the Debt Collection Act, and possible enforcement action for failure to comply with this order.

This order will become a final order of the Department 10 days after its service unless a timely petition for review is filed or the Department takes review on its own motion.

**By:**

ROSALIND A. KNAPP  
Deputy General Counsel

**(SEAL)**

An electronic version of this document is available on the World Wide Web at:  
<http://www.dot.gov/dotinfo/general/orders/aviation.html>