



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

Issued by the Department of Transportation
on the 20th day of April, 2004

In the matter of the revocation of the interstate and
foreign certificates issued to

EXPRESS ONE INTERNATIONAL, INC.

in accordance with section 204.7 of the
Department's Regulations

Served: April 23, 2004

**DOCKETS 50404
and
OST-98-4024**

ORDER REVOKING CERTIFICATE AUTHORITY

Summary

By this order, we are revoking the interstate scheduled certificate issued to Express One International, Inc. (Express One) for reason of dormancy.

Background

Express One holds a certificate authorizing it to engage in interstate scheduled air transportation of persons, property, and mail; it also holds a certificate for Route 650 which authorizes the carrier to provide foreign scheduled air transportation of persons, property, and mail between points in the U.S., on the one hand, and Jamaica and Grand Cayman, on the other.¹

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides, among other things, that, if a carrier ceases conducting the operations for which it was found fit, its authority to conduct such services is automatically suspended. Section 204.7 further provides that, once its authority is suspended, the carrier may not resume nor advertise certificated

¹ See Orders 95-8-27, issued August 18, 1995 (foreign) and 98-7-6, issued July 8, 1998 (interstate). Express One first received a domestic all-cargo air service certificate in 1983; in 1984, it was found fit to conduct interstate and foreign passenger charter operations and was granted certificates for such services. At the time, the company's corporate name was Jet East, Inc. In 1985, it changed its name to Jet East International Airline, Inc., and, in 1988, changed its name to Express One International, Inc. Express One received its present interstate and foreign scheduled authority in 1994. While the authority in the interstate scheduled certificate was made effective in 1994, the carrier never provided the Department with the required documentation necessary to have the authority in its foreign certificate made effective. (Express One's separate charter and domestic all-cargo certificates were cancelled in 1995 since the authority contained in those certificates was duplicative of authority conferred by its interstate scheduled certificate.)

Moreover, if the carrier does not have its fitness redetermined within one year of its cessation, its authority is subject to revocation for reason of dormancy.

In March 2002, Express One filed for Chapter 11 bankruptcy protection. After a failed attempt at reorganization, the carrier terminated all flight operations on July 29, 2002. As a result of this cessation of operations, Express One's certificate authority was automatically suspended under section 204.7.² Further, pursuant to the provisions of section 204.7, the carrier's authority was subject to revocation for dormancy as of July 29, 2003, if Express One had not resumed certificated operations by that date.

On June 19, 2003, Express One filed an application in Docket OST-2003-15475 requesting a waiver from the provisions of section 204.7 so as to obtain a six-month extension of the July 29, 2003, revocation-for-dormancy date. By letter dated July 31, 2003, the Department granted the carrier's request and extended the revocation date through January 29, 2004. On January 22, 2004, Express One filed a second application in Docket OST-2003-15475 requesting an additional six-month extension of the revocation-for dormancy date.

On January 26, 2004, Christopher Martino and Judith Lentz filed an answer opposing Express One's extension request. In their answer, Mr. Martino and Ms. Lentz contend that they, through their shareholdings in Zenith International Airlines, Inc., are the lawful owners of Express One and that the current Express One corporate leadership (which had requested the extension) was unlawfully installed. On February 10, Express One filed a response to the Martino/Lentz objection. By letter dated March 15, 2004, the Department extended Express One's revocation-for-dormancy date through July 29, 2004. In doing so, however, we advised the carrier that, should Express One actually file a notice to resume operations, we would take no action on such notice until the company proved to us who the true owners of the carrier are either by mutual consent of the parties concerned or by a judgment issued by a court of competent jurisdiction.

Subsequently, the FAA advised us that Express One had reported to that agency that it had been unable to raise sufficient capital to complete its certification as a FAR Part 121 air carrier, that the carrier had decided to postpone seeking needed FAA operating authority, and that the FAA was canceling Express One's certificate application. By letter dated March 24, 2004, the Department advised Express One that, in light of these circumstances, we planned to move forward with revoking the carrier's DOT certificates pursuant to section 204.7. Therefore, we will revoke the interstate and foreign certificate authority held by Express One. By this order, however, we will revoke only Express One's interstate certificate. Revocation of the carrier's foreign certificate authority is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

² This was not the first time that Express One had ceased operations. In June 1995, it temporarily ceased operations to address certain FAA concerns about its operations. As required by section 204.7, the carrier subsequently sought, and was granted, Department approval to resume operations (*see* Order 95-8-27). The carrier resumed its air transportation services and operated until July 29, 2002.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We revoke the interstate certificate issued to Express One International, Inc., by Order 98-7-6 for reason of dormancy.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become effective and become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

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