



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

**Issued by the Department of Transportation
on the 27th day of December, 2022**

AERONEXUS CORPORATE (PTY) LTD

Violations of 49 U.S.C. § 41301

Docket OST-2022-0001

Served December 27, 2022

CONSENT ORDER

This consent order concerns unauthorized foreign air transportation by Aeronexus Corporate (PTY) LTD (Aeronexus) in violation of 49 U.S.C. § 41301. This order directs Aeronexus to cease and desist from future similar violations of section 41301 and assesses the carrier a compromise civil penalty of \$205,000.00.

Applicable Law

Pursuant to 49 U.S.C. § 41301, a foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a permit from the Department of Transportation (Department) authorizing the foreign air transportation or a valid exemption from that section. Providing foreign air transportation includes the holding out of service, as well as the actual operation of air service. The economic authority required by section 41301 is separate and distinct from the operations specifications and approvals that such an entity must obtain from the Federal Aviation Administration (FAA) for operations to and from the United States.

Facts and Conclusions

Aeronexus received economic authority from the Department to engage in charter foreign air transportation of persons, property and mail between any point or points in South Africa and any point or points in the United States on August 21, 2013¹. That authority expired

¹ DOT-OST-2013-0073-0005

on August 21, 2018. An investigation by the Department's Office of Aviation Consumer Protection (OACP) revealed that between August 21, 2018, and July 18, 2021, Aeronexus operated multiple charter flights for compensation between the United States and various foreign points outside of South Africa, which the carrier did not have the authority to do even before the lapse in authority. As such, Aeronexus held out and operated foreign air transportation between the United States and various foreign points without the economic authority to do so, in violation of 49 U.S.C. § 41301.

Response

In response, Aeronexus states that it seeks to comply with the federal statutes and regulations enforced by the Department and that none of its actions were with the intent to violate the provisions cited by the Department. Aeronexus further states that it operates only single entity charters with a single aircraft and that it does not operate public charters or hold out service to individually ticketed passengers. Aeronexus asserts that it believed it had the required DOT authority to operate these flights.

Decision

OACP views seriously Aeronexus's violations of 49 U.S.C. § 41301. Accordingly, after carefully considering all the facts in this case, including those set forth above, OACP believes that enforcement action is warranted. In order to avoid litigation, and without admitting or denying the violations described above, Aeronexus consents to the issuance of this order to cease and desist from future violations of 49 U.S.C. § 41301, and to the assessment of \$205,000.00 in compromise of potential civil penalties otherwise due and payable pursuant to 49 U.S.C. § 46301. The compromise assessment is appropriate considering the nature and extent of the violations described herein and serves the public interest. It establishes a strong deterrent against future similar unlawful practices by Aeronexus and other carriers.

This order is issued under the authority contained in 49 CFR Part 1.

ACCORDINGLY,

1. Based on the above discussion, we approve this settlement and the provisions of this order as being in the public interest;
2. We find that Aeronexus Corporate (PTY) LTD violated 49 U.S.C. § 41301 by providing foreign air transportation between the United States and various foreign points without the appropriate economic authority;
3. We order Aeronexus Corporate (PTY) LTD and its successors and assigns to cease and desist from further violations of 49 U.S.C. § 41301;
4. We assess Aeronexus Corporate (PTY) LTD \$205,000.00 in compromise of civil penalties that might otherwise be assessed for the violations described above; Of

that amount, \$25,000 shall be due and payable within 90 days of the date of issuance of this order. The second installment of \$25,000 shall be due and payable within 180 days of the date of issuance of this order. The third installment of \$25,000 shall be due and payable within 270 days of the date of issuance of this order, and the fourth installment of \$27,500 shall be due and payable within 360 days of the date of issuance of this order. The remaining amount, \$102,500, will become due and payable if, within one year of the date of issuance of this order, Aeronexus Corporate (PTY) LTD violates the order's cease and desist provision or fails to comply with the order's payment provision, in which case the entire unpaid amount shall become due and payable immediately and Aeronexus Corporate (PTY) LTD may be subject to additional enforcement action for violation of this order; and

5. We order Aeronexus Corporate (PTY) LTD to pay within 90 days of the issuance of this order the penalty assessed in Ordering Paragraph 4, above, through Pay.gov to the account of the U.S. Treasury. Payment shall be made in accordance with the instructions contained in the Attachment to this order. Failure to pay the penalty as ordered shall subject Aeronexus Corporate (PTY) LTD. to the assessment of interest, penalty, and collection charges under the Debt Collection Act and to further enforcement action for failing to comply with this order.

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

BY:

BLANE A. WORKIE
Assistant General Counsel
Office of Aviation Consumer Protection

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