

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

Application of	)	
	)	
ARAJET, S.A.	)	Docket No. OST-2015-0260
	)	
For exemption authority	)	
pursuant to 49 U.S.C. § 40109	)	
	)	
(Dominican Republic – U.S. Scheduled)	)	
	)	

**CONSOLIDATED OBJECTIONS TO ARAJET S.A.**  
**REPLY OF OBJECTION MARCH 27, 2023**

Communications with respect to this document should be addressed to:

Ms. Jocelyn Curiel  
[jocelyn.curiel@outlook.com](mailto:jocelyn.curiel@outlook.com)

*jocelyn*

March 28, 2023

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**REPLY OF OBJECTION MARCH 27, 2023**

On March 1, 2023, ARAJET, S.A. (“ARAJET”) filed an application for an exemption authorizing scheduled foreign air transportation of persons, property and mail from a point or points in the Dominican Republic, via intermediate points, to the coterminal points San Juan, Puerto Rico, New York, New York<sup>1</sup> and Miami, Florida. All three are bilaterally authorized points under the U.S.-Dominican Republic Air Transport Agreement of 1986 (the “Air Transport Agreement”) if the airline is in fact, a Lawful Airline. On March 15, 2023, I, Ms. Jocelyn Curiel, respectfully submitted this Objection to Arajjet, S.A. Airline’ application for an exemption pursuant to 49 U.S.C. § 40109 under the provisions of 49 U.S.C. § 40109 and Subpart C of the Department’s Rules of Practice in Proceedings (14 C.F.R. §§ 302.301, *et seq.*), for an exemption authorizing it to engage in scheduled foreign air transportation of persons, property and mail between a point or points in the Dominican Republic via intermediate points and the U.S.

I, Ms. Jocelyn Curiel, am looking forward to the Department of Transportation of the United States (“DOT”) demonstrating that the United States of America via the Department of Transportation DOT does not and will not approve and tolerate corruption, cronyism, and nepotism by initiating the idea of granting ARAJET S.A. approval to fly to the United States of America via an exemption. On March 1, 2016, the DOT already provided ARAJET S.A. an exemption under its old name of Dominican Wings S.A.

At that time the DOT declared “We grant the request of DW Dominican Wings, S.A. for an exemption under 49 U.S.C. §40109 to engage in: (1) charter foreign air transportation of persons, property, and mail between any point or points in the Dominican Republic and any point or points in the United States; (2) charter foreign air transportation of persons, property, and mail between any point or points in the United States and any point in a third country or countries provided that such traffic is carried via the Dominican Republic and makes a stopover in the Dominican Republic for at least two consecutive nights; and (3) other charters pursuant to the prior approval requirements set forth in 14 CFR Part 212 of the Department’s regulations” ; This exemption was granted to ARAJET because it was a CHARTER company and the control of its management was by Dominican National(s). Even though this exemption was not acceptable based on the signed Air Transport Agreement of 1986 , between the Dominican Republic and USA, it was in line with the DOT policy at that time.

ARAJET has declared that five very similar objections from various individuals have been filed in the docket (the “Oppositions”) and these objections are without merit, have no place in this proceeding and should be flatly rejected. However, what ARAJET is unable to say , declare or demonstrate is that the objections were not truthful and the documents provided and cited were not legitimate or relevant .

After the objections were submitted, ARAJET, expeditiously transferred the shareholding of their PEP, Governmental Minister of the Dominican Republic Mr. **Carlos Bonilla** , from his personal name to elsewhere creating the illusion that ARAJET was not a PEP company before its 2<sup>nd</sup> exemption application to the DOT. ARAJET was and still is a PEP company. Furthermore, whether ARAJET is a PEP company or not, ARAJET's "effective control" is not vested in Dominican Nationals nor its Board of Director and ARAJET was unlawfully certified in the Dominican Republic because it was a politically based venture. The fact is ARAJET is a SCHEDULE Airline not a CHARTER Airline and this fact does not grant ARAJET the lawful right to be granted a 2<sup>nd</sup> exemption from the DOT to fly to the United States of America.

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**ARAJET IS UNLAWFULLY LICENSED BY THE DOMINICAN REPUBLIC TO  
PERFORM THE PROPOSED SERVICES.**

ARAJET declared that on March 18, 2022, the Instituto Dominicano de Aviación Civil (“IDAC”) issued ARAJET its Air Operator Certificate (AOC) after many months of careful review and consideration of its application, **“THAT WAS A LIE AND STILL IS A LIE”**. ARAJET was in fact issued its Air Operator Certificate (AOC) on July 6<sup>th</sup>, 2015



[IDAC logo]

Dominican Republic

DOMINICAN CIVIL AVIATION INSTITUTE

AIR CARRIER CERTIFICATE

This certifies that

**DOMINICAN WINGS, S.A.**

*Tiradentes Ave., corner Roberto Pastoriza, Plaza JR, 7<sup>th</sup> Floor, Ensanche Naco  
neighborhood, Santo Domingo, Dom. Rep.*

Phone: 1+809-338-2727

Certificate No. (AOC#): DWIA027A

*Is authorized to perform commercial air carrier operations according to the attached  
operations specifications and in accordance with the Operations Manual, with Civil  
Aviation Law No. 491-06 and the applicable regulations. This certificate is nontransferable  
and unless it is waived, suspended or canceled, shall continue to be in effect indefinitely.*

Date of Issue: July 6<sup>TH</sup> 2015

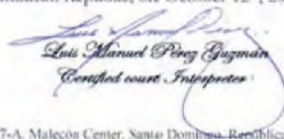
Issued in: Santo Domingo, Dom. Rep.

[Signature]

**Dr. Alejandro Herrera Rodriguez**  
Director General

México Ave. Corner 30 de Marzo, Sto. Dgo., Dom. Rep.  
Tel:(809)-221-7909 Fax:(809)-221-8616  
Web Site: www.idac.gov.do

I, the undersigned authority, do hereby certify that the above document is a true and accurate translation into English of the attached original document drafted in Spanish. In witness whereof, I have hereunto set my hand and seal in Santo Domingo, Dominican Republic, on October 12<sup>th</sup>, 2015.

  
*Luis Manuel Pérez Guzmán*  
Certified court Interpreter



On August 19<sup>th</sup>, 2015, ARAJET received its Economic Authorization Certificate (“CAE”) from JAC and was authorized as a 121 Charter Airline Company



PRESIDENCIA DE LA REPUBLICA DOMINICANA  
JUNTA DE AVIACION CIVIL

*"Año de la Atención Integral a la Primera Infancia"*

**CERTIFICADO DE AUTORIZACIÓN ECONÓMICA No.25**  
**EXPEDIDO A LA EMPRESA AEREA DW DOMINICAN WINGS, S.A.**

En cumplimiento a la **Resolución No.172-(2014)**, emitida por la Junta de Aviación Civil en su sesión ordinaria de fecha 06 de agosto de 2014, y de acuerdo con la autorización impartida por el Honorable Presidente de la República, mediante oficio No.23720, de fecha 18 de agosto de 2015, se expide a la empresa aérea **DW DOMINICAN WINGS, S.A.**, el presente Certificado de Autorización Económica, tras haber completado los requisitos exigidos a tales fines, por la Ley 491-06 de Aviación Civil y el Manual de Requisitos para Solicitar Servicios de la Junta de Aviación Civil, y haber satisfecho los requerimientos de reevaluación económica y financiera, en cumplimiento a la **Resolución No.221-(2014)**, del 01 de octubre de 2014, con el objetivo de que pueda explotar:

**Servicios de transporte aéreo no regular de pasajeros  
en operaciones internacionales.**

XX

**Nota: Para uso de aeronaves bajo el Reglamento Aeronáutico Dominicano (RAD)-121.**

El presente Certificado de Autorización Económica es un documento personal e intransferible y tendrá vigencia de tres (3) años a partir de la fecha de expedición.

En Santo Domingo, D. N., Capital de la República Dominicana, a los diecinueve (19) días del mes de agosto del año dos mil quince (2015).

**Cap. Piloto Roger Jover A.**  
Presidente de la Junta de Aviación Civil

BJA/PLM/dg



-Sigue al dorso-



On March 1, 2016, The Department of Transportation of the United States declared:

*“Specifically, we will grant Dominican Wings exemption authority for the services set forth in ordering paragraph 1 below. We will tentatively grant Dominican Wings a foreign air carrier permit for these services. With respect to the applicant’s request for exemption authority, we find that grant of this authority is consistent with the public interest; and that the applicant has demonstrated, based on the record, that it is financially and operationally qualified to perform the services authorized. With regard to the ownership of the applicant, the record indicates that 35% of Dominican Wings’ reported shares are held by Mr. Victor Miguel Pacheco Mendez, a Dominican citizen. The remaining 65% of the applicant’s reported shares are held by Avion Express, a Lithuanian air carrier that itself is owned by interests of Switzerland (50%) and France (50%). In addition, the President and all key management personnel of Dominican Wings are citizens of the Dominican Republic. In spite of the fact that we are unable to find that Dominican Wings is substantially owned by homeland nationals, we find that a waiver of our ownership and control policy is warranted in the circumstances presented, as there is nothing in the ownership and control of the applicant that would be inimical to U.S. aviation policy or interests”*

Based on the current facts and realities of the company, has ARAJET - Dominican Wings been suspended to fly to the United States base on the exemption that was granted by the Department of Transportation DOT on March 1, 2016 ?

On June 28<sup>th</sup>, 2017, Avion Express declared that they have SOLD their shares in ARAJET -Dominican Wings to Mr. Victor Pacheco, when in fact the shares were transferred to Mr. Victor Pacheco at a zero cost. Avion Express said they were pleased to announce that it has SOLD its 65% stake in Dominican Wings to the President of the company, Mr. Victor

Pacheco, after establishing the company, a little over three years ago (2014) . So, by their own admission, ARAJET – Dominican Wings was not established by Dominican Citizens and Mr. Victor Pacheco, a Dominican Citizen, only became the 100% owner of ARAJET- Dominican Wings after the “SALE” of shares by Avion Express in June of 2017. In 2017, Avion Express removed its Airbus 320 from ARAJET- Dominican Wings AOC and at that time, ARAJET then became an unlawful airline with no valid AOC, invalid to this day.

Mr. Hector Porcella, the Dominican Civil Aviation Authority IDAC, Director General, reinstated Mr. Pedro A. Pina de los Santos, who was dismissed by the previous Director General Mr. Alejandro Herrera for questionable conduct, to head the IDAC institution as the 2<sup>nd</sup> man in command with the position of Flight Standards Director. Mr. Hector Porcella ordered Mr. Pedro A. Pina de los Santos, the Flight Standards Director at IDAC and also Mr. Felix Adames Florentin, the Chief of the Transportation and Airline department and ARAJET’s dedicated inspector, to provide the certification of the aircraft onto the invalid AOC of ARAJET. THEN, on March 18, 2022, the Instituto Dominicano de Aviación Civil (“IDAC”) issued Dominican Wings an AOC document with just a name change to ARAJET on its Air Operator Certificate (AOC).



<b>CERTIFICADO DE OPERADOR AÉREO</b> <b>(AIR OPERATOR CERTIFICATE)</b>		
	<b>REPÚBLICA DOMINICANA</b>	
	<b>INSTITUTO DOMINICANO DE AVIACIÓN CIVIL</b>	
<b>AOC # : DWIA027A</b> Fecha de vencimiento: Ver RAD 119.61 (a)(1)(2) <i>(Expiry date: See RAD 119.61 (a)(1)(2))</i> Revisión No. : 01 <i>(Revision Nr. : )</i>	<b>ARAJET, S.A.</b> Qcc Nombre comercial: <b>Arajjet</b> <i>(Dba trading name: Arajjet)</i> Dirección del explotador: C/ Angel Severo Cabral No.13, Edif. CBS, Ens. Julieta, Local 1B, Santo Domingo, D.N. <i>(Operator address:)</i> Teléfono: +1 809-338-2727 <i>(Telephone:)</i> Fax: Correo: victormiguel7@gmail.com <i>(E-mail:)</i>	<b>PUNTOS DE CONTACTO OPERACIONALES</b> <b>(OPERATIONAL POINTS OF CONTACT)</b> La información de contacto, donde se puede ubicar a las autoridades de gestión operacional sin demoras indebidas, se proporciona en Manual de Operaciones (OM) Parte A 2.3. <i>(Contact details, at which operational management can be contacted without undue delay, are listed in Operations Manual (OM) Part A 2.3.)</i>
Por el presente, se certifica que ARAJET, S.A., está autorizado a realizar operaciones de transporte aéreo comercial según se define en las especificaciones de las operaciones que se adjunta, de conformidad con el manual de operaciones y con RAD 119.21(a) <i>(This certificate certifies that ARAJET, S.A., is authorized to perform commercial air operations, as defined in the attached operations specifications, in accordance with the operations manual and the RAD 119.21(a))</i>		
Fecha de expedición: 18/03/2022 <i>(Date of issued: 03/18/2022)</i>	Nombre y firma: <b>Hector E. Porcella</b> <i>(Name and signature: )</i> Título: Director General Interino <i>(Title: Acting Director General)</i>	
IDAC 1000-1 Enmienda 2		17/12/2015

ARAJET claims that *“Similarly, the Civil Aviation Board of the Dominican Republic (JAC) re-issued ARAJET its Certificate of Economic Authorization to conduct the proposed scheduled flights to the United States”* the question then becomes, what happen to the old certification? Is it valid or not valid? On December 24<sup>th</sup> 2021, the Civil Aviation Board of the Dominican Republic (JAC) issued a resolution 313-2021 which was signed by its President Dr. José E. Marte Piantini , stating in its conclusion that , **ARAJET cannot perform commercial flights**. Civil Aviation Board of the Dominican Republic (JAC) Declare *“that if the authorization established in literal d) of Law No. 491-06, modified, is granted, DW DOMINICAN WINGS, S.A. (ARAJET), may not carry out internal commercial operations or cabotage, as established in Article 239 of the aforementioned Law, since they are reserved for Dominican airlines, which for the purpose of said law, at least fifty and a (51%) percent of its capital or substantial ownership belongs to Dominicans, that two thirds of its*

*management personnel are nationals and that it maintains effective control of its air fleet.”*



PRESIDENCIA DE LA REPÚBLICA DOMINICANA  
JUNTA DE AVIACIÓN CIVIL

La Junta de Aviación Civil, en virtud de las atribuciones que le otorga la Ley Núm.491-06 de Aviación Civil de la República Dominicana, modificada, DECIDIO mediante:

RESOLUCIÓN 313-2021

**PRIMERO:** Informar a la Consultoría Jurídica del Poder Ejecutivo, que tras ser evaluada la solicitud de autorización presentada por la empresa DW DOMINICAN WINGS, S.A. (ARAJET) de optar por la excepción establecida en el literal d) artículo 237, de la Ley Núm.491-06, modificada, esta cumple con el requisito establecido en la referida ley, en lo que respecta a que la inversión pertenezca a una línea aérea extranjera reconocida internacionalmente o a una filial que controle.

**SEGUNDO:** Que de ser otorgada la autorización establecida en el literal d) de la Ley Núm.491-06, modificada, DW DOMINICAN WINGS, S.A. (ARAJET), no podrá realizar operaciones comerciales internas o cabotaje, conforme lo establece el Artículo 239, de la referida Ley, puesto que las mismas están reservadas, para las compañías aéreas dominicanas, que para el propósito de dicha ley, al menos un cincuenta y un (51%) por ciento de su capital o propiedad sustancial pertenezca a dominicanos, que las dos terceras partes de su personal directivo sean nacionales y que mantenga el control efectivo de su flota aérea.

**TERCERO:** Que conforme las disposiciones de la Ley Núm.491-06, modificada, es competencia del Instituto Dominicano de Aviación Civil (IDAC), mantener el control y seguridad operacional de todas las aeronaves civiles dentro del territorio dominicano.

**CUARTO:** Que al hacerse efectivos los movimientos societarios, de capitales y operacionales, en todo momento debe ser apoderada la Junta de Aviación Civil (JAC) y el Instituto Dominicano de Aviación Civil (IDAC), a los fines evaluar y aprobar el mantenimiento del Certificado de Autorización Económica (CAE) y el Certificado de Operador Aéreo (AOC).

**QUINTO:** Disponer que la presente Resolución sea publicada en la página web de la Junta de Aviación Civil (<http://www.jac.gob.do>).

Dada en el Distrito Nacional, Capital de la República Dominicana, el día veinte y cuatro (24) del mes de diciembre del año dos mil veinte y uno (2021).

Dr. José Ernesto Marte Plantini  
Presidente

JEMP/PPP/mam



C/ José Joaquín Pérez No. 104, Gazcue, Distrito Nacional  
República Dominicana  
Tel: 809-689-4167  
[www.jac.gob.do](http://www.jac.gob.do)



6 de 6

Article 239, of the aforementioned Law of the Dominican Republic States the following:

***Article 239.- Only Dominican airlines, in addition to international public air transport, may engage in exploiting commercial air services in internal or cabotage operations, which for the purpose of this law, at least fifty-one (51%) ) percent of its capital or substantial ownership belongs to Dominicans, that two thirds of its management personnel are nationals and that it maintains effective control of its air fleet.***

It is Obvious that ARAJET does not understand the international rules of Air Transportation  
it is clear that the Dominican authorities confirm that ARAJET is not a designated airline

because flying internally is reserve for Dominican Airline. If ARAJET is not Dominican then what Nationality is ARAJET ?. ARAJET fails to comprehend the fact that if you cannot conduct cabotage operations, you cannot fly internationally even with their PEP Government Minister being a shareholder.

**PROPIEDAD SUSTANCIAL Y CONTROL EFECTIVO DE LAS LÍNEAS AÉREAS**

**Artículo 237.-** Tratándose de sociedades dominicanas constituidas de conformidad con las leyes dominicanas, se considerarán empresas nacionales.

- a) aquellas cuyo capital o propiedad sustancial pertenezca a dominicanos, en al menos un treinta y cinco (35%) por ciento y su consejo de directores este compuesto por dominicanos en igual proporción, y
- b) aquellas que la mitad más uno del personal directivo de la empresa, no miembros del consejo de directores, sean dominicanos, y
- c) que su oficina principal de negocios y comercial este basada en territorio nacional.

**Artículo 238.-** En el caso de que no pueda ser determinado que el treinta y cinco (35%) por ciento del capital es dominicano, se presume que esta sociedad no reúne las exigencias indicadas en el artículo anterior.


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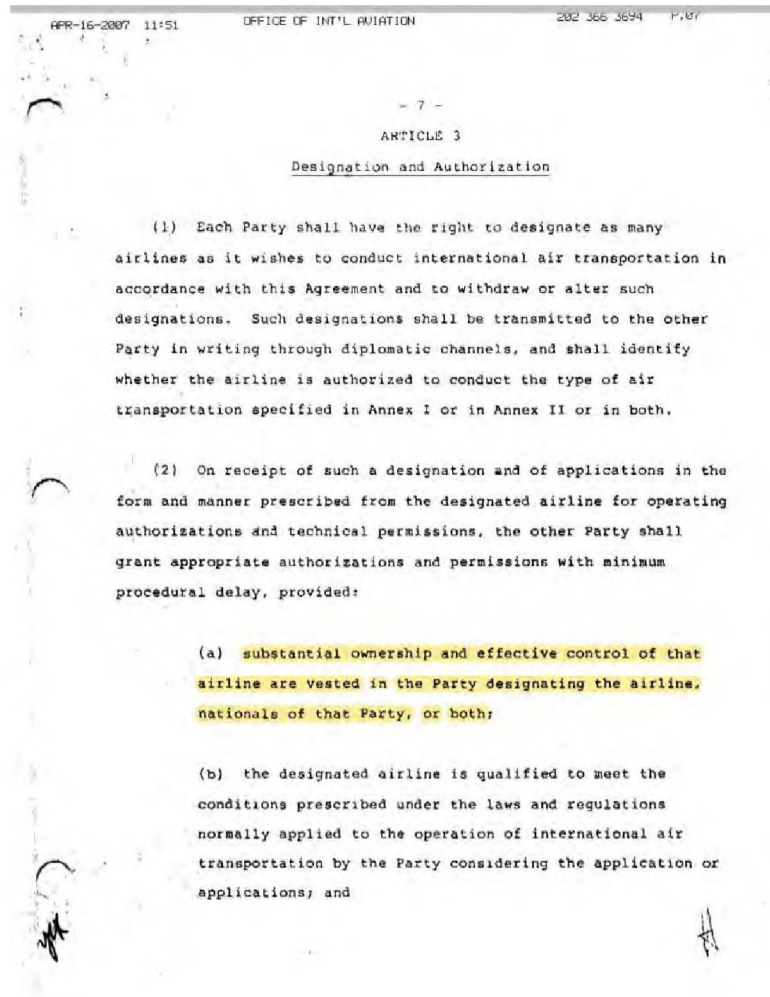
**Artículo 239.-** Solo podrán dedicarse, además del transporte aéreo público internacional, a explotar los servicios aéreos comerciales en operaciones internas o de cabotaje, las compañías aéreas dominicanas, que para el propósito de esta ley, al menos un cincuenta y un (51%) por ciento de su capital o propiedad sustancial pertenezca a dominicanos, que las dos terceras partes de su personal directivo sean nacionales y que mantenga el control efectivo de su flota aérea.

SECCIÓN II



In addition , the Air Transportation Agreement signed on July 22, 1986 between the Dominican Republic and United States clearly states under **ARTICLE: 3 (Designation and Authorization) (2) On receipt of such a designation and of applications in the form and manner prescribed from the designated airline for operating authorizations and technical permissions, the other Party shall grant appropriate authorization and permissions with minimum procedural delay, provided: (a) substantial ownership and effective control of**

*that airline are vested in the Party designating the airline, nationals of that Party, or both;*



It is evident that ARAJET does not meet the qualifications, required by law, to be granted a flight authorization to the United States as a schedule Airline.

Additionally, the fact that the Foreign Ministry of the Dominican Republic has issued formal diplomatic notes designating ARAJET for service over the routes requested in this proceeding, based on the unlawful act of the JAC breaks all Dominican Republic Aviation Laws. This was a BLATANT ABUSE OF POWER and an UNLAWFUL ACTION. The issuance of the AOC, Certificate of Economic Authorization and designation reflects the

Government of the Dominican Republic's formal confirmation that it supports nepotism and cronyism, as they were fully aware and supported the fact that, Minister Carlos Bonilla was and still is a shareholder of ARAJET.



Minister Carlos Bonilla

Direct involvement of Political Personalities in ARAJET



ARAJET, in essence, is asking the UNITED STATES DEPARTMENT OF TRANSPORTATION to:

1. Ignore and overlook all the evidence presented, by making semantic comments and circular arguments, relating to the evidence based objections made to its exemption application.
2. Approve their Airline, built on the basis of nepotism, cronyism, blatant corruption and numerous unlawful actions.
3. To disregard the fact that United States of America does not tolerate nepotism, cronyism and corruption and the rule of law is what counts.
4. To trust their word and approve its application and not do an in-depth investigation.

Most of ARAJET arguments involve spurious cover ups attempting to hide the nepotism, cronyism and corruption of its airline. ARAJET's application for exemption is riddled with inaccurate and misleading statements about its airline. There is an urgent need to address each and every point in the application of ARAJET, because nepotism, cronyism and corruption are unlawful acts, and the U.S. Department of Transportation does not and will not endorse and rubber stamp such deception.

Ultimately, ARAJET cannot dispute the fact that ARAJET is an unlawfully licensed Airline in the Dominican Republic, as it has been designated for the services that are being requested in this proceeding unlawfully and all the evidence presented clearly proves that fact. The sheer fact that AFTER the Objections were filed with the U.S. Department of Transportation, ARAJET rapidly had Minister **Carlos Bonilla** ownership shares transferred, is a clear admission of guilt and demonstrates that ARAJET was fully aware that they were

involved in unlawful activity along with nepotism, cronyism and corruption. ARAJET neglects the fact that the Government Minister was a shareholder of ARAJET from January 31 2022 and continued to be a shareholder on January 20, 2023. The Dominican Republic has made it crystal clear that ARAJET can do what it wants in the Dominican Republic because its authorized and designated by one of their PEP Ministers of the Government. If any of the arguments now offered by ARAJET had any validity, they would never have transferred the ownership shares of the Minister **Carlos Bonilla** and poorly attempt to hide this by placing the shareholders in a United Kingdom Company. ARAJET stated that the United States Department of Transportation, has made it clear that it will not become involved in issues that could have been resolved in other fora, including, fora in the home country of the applicant . however does this mean that the Department will approve and support nepotism, cronyism, corruption and unfair competition. ARAJET's arguments reflect a very distorted view of the U.S.Department's reputation because ARAJET wants the Department to accept and approve an airline that is unlawfully certified in its home country due to nepotism, cronyism, and corruption. The entire foundation on which ARAJET is built is quicksand, It is a foundation of blatant corruption, nepotism and cronyism by the Aeronautical Authorities of the Dominican Republic. Licensing processes are supported by U.S. Department of Transportation precedent and the Air Transport Agreement, therefore , ARAJET's application should be firmly rejected.

## **GRANTING OF THE REQUESTED EXEMPTION AUTHORITY TO**

### **ARAJET IS NOT IN THE PUBLIC INTEREST**

The U.S. Department of Transportation has consistently recognized that the grant of exemption authority to a foreign carrier satisfies the public interest requirements where a foreign carrier has been properly designated to operate the requested routes under a bilateral air transport agreement. ARAJET was unlawfully designated by the Government of the Dominican Republic because of the involvement of one of its own Government Minister as a shareholder which signals the start of the blatant the abuse of power and the violation of the bilateral agreement between the Dominican Republic and the United States.

ARAJET does not fully satisfies the requirement to be granted an exemption to fly to the United States as they are a SCHEDULE Airline. ARAJET should apply directly to the DOT for a PART 129 Foreign Air Carriers or Operators Permit without a request for an exemption. ARAJET is not a charter airline it's a schedule airline with a Government official and non-Dominican national as the Majority ownership. Please explain to me how is that in the best interest of the public? This is unfair competition and deception of the public interest that does not approve of nepotism, cronyism, and corruption. In addition, ARAJET's proposed flights did not demonstrate that it will serve many of the policy and public interest factors set forth in Section 40101 of the U.S. Transportation because the Dominican Authorities has declared war against United States airline companies. On the 26<sup>th</sup> July 2022, The President of the Chamber of Deputies of the Dominican Republic, Mr. Alfredo Pacheco, asked the President of the Dominican Republic, Mr. Luis Abinader , to cancel the license of JetBlue to fly to the Dominican Republic knowing that Minister Carlos Bonilla is a shareholder of ARAJET.

<https://hoj.com.do/pacheco-solicita-a-abinader-cancelar-licencia-a-jetblue/>



Minister Carlos Bonilla and the President of the Chamber of Deputies, Alfredo Pacheco

ARAJET continually shown at every juncture, that it is a company that is not effectively controlled by Dominican National(s) and their mere existence as a company is only because of nepotism, cronyism, and corruption. The approval of ARAJET to fly to the United States will question the U.S. Department's judgement and will contribute to unfair competition in the aviation sector.

ARAJET has NOT been able to demonstrate that they will contribute to the :

- Creation of additional competition in the United States fairly – the Dominican Republic air travel market (49 USC §40101(a)(6), (a)(12)) requires fair competition and no nepotism, cronyism or corruption.
- Offering competitive and lower priced fares (49 USC §40101(a)(4), (e)(2)).

ARAJET is applying predatory pricing and has the protection from the Dominican Government which violates the Air Transport agreement between the United States of America and the Dominican Republic. Article 12 Pricing (Mutual Disapproval) of the Air transport agreement in section (C) disapproves of artificially low prices. The protection of airlines from prices that are artificially low because of direct or indirect governmental subsidy or support. ARAJET is directly receiving government support from the Dominican Republic Government due to the direct ownership of Minister Carlos Bonilla in ARAJET.



arajetairlines



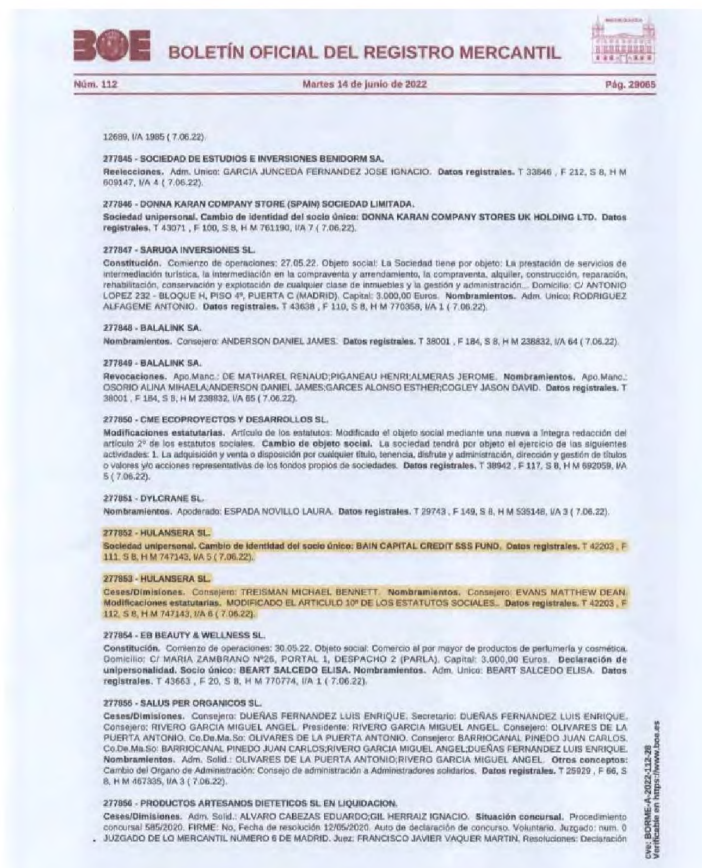
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ARAJET has declared that they have contracted to purchase numerous Boeing 737 aircraft having an aggregate catalogue price of approximately \$2.04 billion with an option to purchase additional Boeing 737 aircraft having an aggregate catalogue price of \$1.8 billion. In each case, net of any applicable discounts, Boeing Aircraft company nor any financial institution has signed a LOI or a firm order directly with ARAJET to date. ARAJET may be not be fully aware that as a part to DOT approval, the FAA has to conduct a technical review of all applications to the United States, especially the one of ARAJET . If such certification process was vague, as is the case with ARAJET, then there is a high possibility that a FAA IASA inspection of the Dominican Republic can take place. This would be an FAA issue and is not relevant to the Department's evaluation of ARAJET's economic licensing application, but it is extremely relevant to ARAJET 's request for exemption to fly to the United States

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## **CONTINUATION OF THE ARAJET CITIZENSHIP WAIVER IS UNLAWFUL**

In ARAJET's exemption application, ARAJET requested that the Department grant a citizenship waiver, consistent with its unlawfully established practices where everything in the ownership and control of the carrier would be inimical to U.S. aviation policy or interests, which is clearly the case for ARAJET. ARAJET admitted that a citizenship waiver was granted by the U.S. Department of Transportation to their corporate predecessor, DW Dominican Wings. However, let me reiterate yet again that, ARAJET is DW Dominican Wings and ARAJET was a charter airline with Dominican Nationals having only 35% of the ownership shares and control of the Management of the company. Additionally, ARAJET aka Dominican Wings ceased all operations and had no aircraft in 2017, 2018, 2019, 2020 and was unlawfully valid and granted the same AOC under the name of ARAJET with a Government Minister Carlos Bonilla as one of the shareholders in Araj. In 2017, 2018, 2019 and 2020 ARAJET was and still is a non-effective control company by Non-Dominican Citizenship in control of the management and also effective control shareholders. As described in the ARAJET application and declared by ARAJET themselves, ARAJET S.A. is wholly owned (100%) by ARAJET Holdings Limited, a company formed in the United Kingdom. ARAJET Holdings Limited, is 80% owned by Hulansera, S.L., a Spanish real estate company, which in turn is wholly owned by Bain Capital Credit SSS Fund, which Hulansera, S.L. with company number 277852, changed its name to right before it became a shareholder of ARAJET Holdings Limited on January 20<sup>th</sup> 2023. On this day Minister Bonilla shares was still allocated in his name and interest. As a matter of record, there are two Hulansera, S.L. as shareholders of ARAJET Holdings Limited. The fact that ARAJET declares that 80% percent of its company is owned by Hulansera, S.L., by default disqualifies



ARAJET for exemption approval as a schedule airline into the United States of America as to the what the Air transportation agreement between the Dominican Republic and United States apart from the nepotism, cronyism, and corruption. ARAJET continue to claim that a sub-fund of the Bain Capital Credit Global ICAV, an umbrella fund, with segregated liability between sub-funds, authorized by the Central Bank of Ireland (“Bain Capital Credit SSS”). Bain Capital Credit SSS is owned by various entities that are managed or advised by Bain Capital Credit, LP (“Bain Credit”). The fact remains however, C156753 [Bain Capital Credit SS Fund](https://registers.centralbank.ie/FundRegisterDataPage.aspx?fundReferenceNumber=C156753&register=9), as of July 26, 2016 does not provide any direct link to Bain Capital Credit SSS or Hulansera, S.L. They may have similarities in names however, here is the declaration by the Central bank of Ireland for the departments own review.

<https://registers.centralbank.ie/FundRegisterDataPage.aspx?fundReferenceNumber=C156753&register=9>

[https://registers.centralbank.ie/FundRegisterDataPage.aspx?fundReferenceNumber=C148556  
&register=50](https://registers.centralbank.ie/FundRegisterDataPage.aspx?fundReferenceNumber=C148556&register=50)

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ARAJET declared the remaining 20% of ARAJET Holdings is owned by the founders of ARAJET and other shareholders. ARAJET was not founded by Victor Pacheco, it was founded by Avion Express. Victor Pacheco, a Dominican Citizen front man and CEO of ARAJET, owns 7.394% of Arajjet Holdings through his wholly owned Panamanian company, Pachas Inc. Michael Powell, a UK citizen, also owns 7.394%. The remaining shareholders in this group all own less than 5%. Based on these continue declaration of ARAJET, the U.S. Department of Transportation has all the necessary proof to reject ARAJET application to the DOT. ARAJET has requested a waiver of ownership and control requirements in its application, however this request is against the department policies. ARAJET declares that the Department has granted numerous such waivers in the past, frequently to carriers from smaller nations that cannot rely solely on local financial and human resources to mount their operations, however these smaller nations were not involved directly or indirectly with nepotism, cronyism, and corruption in their airlines. The standard that the Department has set is whether the ownership and control of the applicant carrier is inimical to United States aviation policy or interests. That standard for granting such waiver is clearly not met here.

ARAJET declared that its non- Dominican Republic investors are almost entirely either U.S.- based entities such as Bain Capital, which should all on its own , be the subject of a direct investigation by the US Justice Department for investing into a company that is directly involve in nepotism, cronyism, and corruption. ARAJET declares that Minister Carlos Bonilla Sanchez was a shareholder in ARAJET Holdings. Mr. Bonilla transferred his shareholder on March 14, 2022, days after ARAJET attorneys read the Objections in its totality however what ARAJET has not demonstrated in this regards is who received Mr. Bonilla transferred shares. While UK Companies House were duly notified of this change, it

was apparently not properly reflected in the Company's House records at the time the Objection was prepared is the reprehensible excuse of ARAJET. ARAJET clearly admitted here that the basis of its company is nepotism, cronyism, and corruption. Minister Carlos Bonilla has not made, to date, any declaration to the Dominican Authorities or has declared his shares in ARAJET before the Dominican Authorities. ARAJET and Minister Carlos Bonilla are actively trying to hide his shareholding in ARAJET via the UK company and to say that the UK Companies House did not properly reflect it is a total manipulation of the facts. Are we supposed to believe that Minister Carlos Bonilla shares of ownership were properly recorded, and the recording of the transfer of the shares are yet to be completed ? How were the shares transferred, if in fact they were even transferred at all ? If the shareholdings of Minister Carlos were transferred without a sale or purchase agreement, this qualifies as Money Laundering, which is, yet another, unlawful act, both in the United States and the Dominican Republic. ARAJET has insulted the intelligence of the members of the Department by saying that the notification has been refiled and the records now correctly show that Minister Carlos Bonilla is not a shareholder. ARAJET continues to declare that the Department has previously granted a waiver to a carrier with 90% ownership by citizens of another country, but I ask, was that company a Politically exposed company with a government minister as a shareholder? Was that company built on the foundation of nepotism, cronyism, and corruption? ARAJET also indicated that the Department, in another proceeding, granted a waiver allowing 100% non-citizen ownership where the owner, as here, is from an open skies country, again was that company also built on a foundation of nepotism, cronyism, and corruption? The context of nepotism, cronyism, and corruption cannot be approved and endorsed by hiding the fact that there is no Investors in the Dominican

Republic of Dominican Nationality to invest in the Airline.

ARAJET is not the only Dominican Airline that wants to fly to the United States. Currently, you have SKY HIGH, that is already flying to the United States without the stain of nepotism, cronyism, and corruption involved in its company and Dominican Investor, Dominican Management team. Moreover, as the Department is aware, serious negotiations are underway between the United States and the Dominican Republic toward a possible open skies' agreement. For that exact reason, the U.S. Department of Transportation cannot tolerate nepotism, cronyism, and corruption. I stand in strong support of these negotiations because of the opportunities that such an agreement would bring for Dominican Republic and United States air carriers that do not engage in nepotism, cronyism, and corruption and that apply the rules perpetually. ARAJET is not fit nor able to perform the foreign air transportation requested.

WHEREFORE, based upon the foregoing, I, Ms. Jocelyn Curiel respectfully requests that the Department act in accordance with its well-established precedents and reject the ARAJET exemption application with minimum procedural delay.

Respectfully submitted,



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Ms. Jocelyn Curiel  
[jocelyn.curiel@outlook.com](mailto:jocelyn.curiel@outlook.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **CONSOLIDATED OBJECTIONS TO ARAJET S.A.**  
**REPLY OF OBJECTION MARCH 27, 2023** has been served this 28<sup>th</sup> day of March 2023 upon each of the parties below by electronic mail.

### **American Airlines**

Robert Wirick - robert.wirick@aa.com

Molly Wilkinson - molly.wilkinson@aa.com

Bruce Wark - bruce.wark@aa.com

Brent Alex - brent.alex@aa.com

### **Delta Airlines**

Chris Walker - chris.walker@delta.com

Steven Seiden - steven.seiden@delta.com

### **United Airlines**

Steve Morrissey - steve.morrissey@united.com

Dan Weiss - dan.weiss@united.com

Amna Arshad - amna.arshad@freshfields.com

### **Federal Express Corporation**

Sandra Lundsford - sllunsford@fedex.com

Brian Hedberg - brian.hedberg@fedex.com

Anne Bechdol - tanne.bechdolt@fedex.com

### **JetBlue**

Robert Land - robert.land@jetblue.com

Reese Davidson- reese.davidson@jetblue.com

### **Spirit Airlines**

David Kirstein - dkirstein@yklaw.com

Joanne Young - jyoung@yklaw.com

### **Southwest Airlines**

Leslie Abbott - leslie.abbott@wnco.com

### **UPS**

Anita Mosner - anita.mosenr@hklaw.com

Marina O'Brien - marina.obrien@hklaw.com

Benjamin Slocum - benjamin.slocum@hklaw.com

Dontai Smalls - dsmalls@ups.com

### **National Air Carrier Association**

Paul H. Doell - pdoell@naca.cc

### **Sun Country Airlines**

Rose Neale - rose.neale@suncountry.com

### **Department of Transportation**

Robert Finamore - robert.finamore@dot.gov

Benjamin Taylor - benjamin.taylor@dot.gov

Tricia Kubrin - tricia.kubrin@dot.gov

### **Atlas Air**

Keinan Meginniss - keinan.meginniss@atlasair.com

Sascha van der Bellen - sascha.vanderbellen@atlasair.com