

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of

BOSTON-MAINE AIRWAYS CORP. Doc. OST-00-7668, 14985, 19919

Re. 49 USC 41102

**OCTOBER 24, 2005 MEMORANDUM IN SUPPORT OF
CAPTAIN HECKING'S MOTION(S) TO REMOVE DAVE FINK, et al..
"PAN AMERICAN/FINK, et al, FAIL TO DISCLOSE"**

My earlier filings in support of my EMERGENCY MOTION(s), I have consistently made the case, that Dave Fink and Company are guilty of RICO violations. I have summoned them to atone in a lawsuit in the United States District Court for the Southern District of Indiana. I enter this venue for the purpose of advising the Department. I have no remedy in this venue only cost.

Pan American/Fink disrespect the privilege by unlawfully, not disclosing to the Department: (a) the existence of my lawsuit; (b) the significant contingent, trebled financial liability; (c) and mandatory seizure remedy, which my RICO claim poses in DOT filings¹. Some applicable disclosure citations:

Subpart B:204.3 (1)

A list of all actions and outstanding judgments for more than \$5,000 against any relevant corporation, key personnel employed (or to be employed) by any relevant

¹ My charge against Pan American Airways, et al, was made in 2002, was ignored and thereafter filed USDCSDI, December 12, 2003. Pan American became attached via. Indiana Attorney, Cathleen Nevin, on March 4, 2004. On July 30, 2004, the case was first amended adding the individual David Fink, among other changes..

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corporation, or person having a substantial interest in any relevant corporation, including the amount of each judgment, the party to whom it is payable, and how long it has been outstanding.

Subpart B:204.3 (p)

A description of all charges of unfair or deceptive or anticompetitive business practices, or of fraud, felony or antitrust violation, brought against any relevant corporation, or person having a substantial interest in any relevant corporation, or member of the key personnel employed (or to be employed) by any relevant corporation in the past 10 years. Such descriptions shall include the disposition or current status of each such proceeding.

Subpart B:204.3 (v)

The following certification, which shall accompany the application and all subsequent written submissions filed by the applicant in connection with its application:

“Pursuant to title 18 United States Code section 1001, I [the individual signing the application, who shall be a principal owner, senior officer, or internal counsel of the applicant, in my individual capacity and as the authorized representative of the applicant, have not in any manner knowingly and willfully falsified, concealed or covered up any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of the application. I

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**understand that an individual who is found to have violated
the provisions of 18 U.S.C. section 1001 shall be fined not more
than \$10,000 or imprisoned not more than five years, or both.”**

On May 20, 2004, or earlier, it appears David Fink knowingly kept secret from the Department of Transportation; the fact that he and the alter ego Pan American Airways, were defendants in a lawsuit involving fraud. Knowing better, Mr. Fink then maintained that secret until I blew the whistle here. This egregious behavior against public policy, must be recognized throughout all of the Department’s jurisdictions which he participates; not the least of which is Guilford Transportation Systems, Boston-Maine Airways and others.

As such, each and every subsequent filing, before the Department, has been tainted by Mr. Fink’s fraud. Moreover, for the purpose of RICO, each act of using the tool of wire or mail to create an artifice to defraud the Department of Transportation becomes yet more counts for Mr. Fink to explain before my “Hoosier” jury. Mr. Fink is unfit and incapable of administering discipline to himself in a manner which this industry requires. I plea you grant my EMERGENCY Motion(s) forth with.

Title 18 Certification of

/s/

Captain Dirck Hecking