

Vision Airlines, Inc.  
2705 Airport Drive  
North Las Vegas NV 89032  
Issue Criminal Summons  
Count 1 - First Degree Grand Theft, F. S. 812.014(1)(a) and (b) and 812.014(2)(a)1 (F-1, L-7)

IN THE CIRCUIT COURT FOR OKALOOSA COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.:

VISION AIRLINES, INC.,  
Defendant.

INFORMATION

COUNT 1: WILLIAM EDDINS, State Attorney for the First Judicial Circuit of Florida, prosecuting for the STATE of FLORIDA, charges that from on or about December 15, 2010, and continuing through on or about July 13, 2012, in Okaloosa County, Florida, VISION AIRLINES, INC. did knowingly obtain or use, or endeavor to obtain or to use, money or funds valued at \$100,000 or more, the property of Okaloosa County, Florida and/or Northwest Florida Regional Airport, with the intent to, either temporarily or permanently, deprive Okaloosa County, Florida and/or Northwest Florida Regional Airport of a right to the property or a benefit from the property, or to appropriate the property to its own use or to the use of any person not entitled to the use of the property in violation of sections 812.014(1)(a) and (b) and 812.014(2)(a)1, Florida Statutes.

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Before me personally appeared the undersigned Assistant State Attorney for the First Judicial Circuit of Florida, being personally known to me, and who being duly sworn, says that he has received testimony under oath from material

witnesses for the offenses charged, and that this prosecution is instituted in good faith.

*R. G. Edgar*

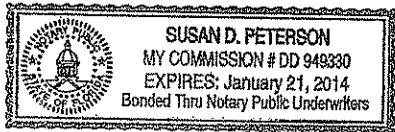
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RUSSELL G. EDGAR

Assistant State Attorney for the First Judicial Circuit of Florida  
Florida Bar No. 173161

Sworn to and signed before me this 18<sup>th</sup> day of February, 2013.

*Susan D. Peterson*

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Notary Public



## Probable Cause Affidavit

Your affiant obtained records from the Okaloosa County administrator and Northwest Florida Regional Airport Director show that Vision Airlines, Inc. collected but did not remit to Okaloosa County ("County") more than \$100,000 in Passenger Facility Charges.

Vision Airlines, Inc. ("Vision") a Nevada corporation, is a Part 121 Air Carrier. It provided service to Okaloosa County ("County") at the Northwest Florida Regional Airport ("Airport") from on or about December 15<sup>th</sup>, 2010 to on or about July 13<sup>th</sup>, 2012,.

Federal Aviation Regulations requires each airline to collect, hold, and remit PFCs on a monthly basis for each airline ticket issued. Regulations also require each carrier to establish and maintain a financial management system and separately account for PFC revenue. Regulations provide that the PFCs are to held in trust for the public agency imposing the PFCs and the carrier holds no legal or equitable interest in the PFC revenues, except for handling fee or interest collected. *See* 14 C.F.R. Part 158.

Pursuant to an written operating and lease agreement with the County, Vision was permitted to retain \$0.11 of each \$4,50 PFC it collected. It was, however, required to remit the balance of the PFC revenue to the County monthly. Records show that Vision did not do this. By August 2011, Vision had failed to remit more than \$250,000 of PFC revenues it had collected.

From August 8<sup>th</sup>, 2011 to December 31<sup>st</sup>, 2012, the County and Airport made multiple demands of Vision to remit the PFC all the revenues they had collected. In December, 2011, Vision promised to pay \$25,000 per week until the PFCs were paid. Vision did not fulfil the promise. Although some payments were made, at this time, Vision owes the County more than \$117,659.98.

In July 2012, the County terminated Vision's operating agreement.

Investigation shows that other airports have complained that Vision had failed to pay PRCs to them, even though Vision continues to operate charter flights in various states.

Your affiant has probable cause to believe that Vision misappropriated the PFC revenues that were in trust for the County and Airport and committed first degree grand theft, in violation of section 812.014(2)(a), Florida Statutes.

Inv. J. D. A. [Signature] 69/448

Inv. Nesikan Sili - Moore 963/76