Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(C)(1)(C)

From: George M. Burgess
County Manager

Subject: Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30326

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30326 from Brickell Key Tours and Transportation, Inc. to Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new service provider. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the September 8, 2009 Government Operations Committee meeting (Attachment A). The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Brickell Key Tours and Transportation, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30326 to Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine. Originally issued on July 27 1999, via Resolution R-858-99 (Attachment B) to Brickell Key Tours and Transportation, Inc., then subject to a stock transfer via Resolution R-24-02 (Attachment C), PMC No. 30326 authorizes special operations services. This class is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-858-99). Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine, located at 5220 NW 72 Avenue, #2, Miami, Florida 33166, seeks to continue providing this class of service by transporting resident and tourist groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. Transportation is required to be pre-arranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the rate schedule (Attachment D).

The management plan submitted by Mr. Hector A. Mesa, Director of Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement (Attachment E) between Brickell Key Tours and Transportation, Inc. and Niagara Outsourcing Services, Inc. establishes the acquisition by Niagara Outsourcing Services, Inc. of PMC Certificate of Transportation No. 30326 for a total price of $20,000.00.

Assistant County Manager

MIAMI-DADE COUNTY

ATTACHMENT A

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, September 8, 2009, at approximately 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 30326 to Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine to provide special operations service as a passenger motor carrier

A person who decides to appeal any decision made by the Government Operations Committee of the Board of County Commissioners, with respect to any matter considered at this hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(CC)
7-27-99

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

ATTACHMENT B

RESOLUTION NO. R-858-99

RESOLUTION APPROVING APPLICATIONS FOR CERTIFICATES OF TRANSPORTATION TO JOSEPH A. DIPATRIZIO D/B/A SABRE INVESTIGATIVE AGENCY/ LIMOUSINE SERVICE; ALL POINTS LIMOUSINE SERVICES, INC.; BRICKELL KEY TOURS & TRANSPORTATION, INC.; TOURS IN THE SUN, INC.; WORLD CLASS LIMOUSINE SERVICE, INC.; JET LAKE CORP. D/B/A LAKE LIMO SERVICE; SEA-AIR LIMO SERVICE, INC. D/B/A FAMILY CAR SERVICE; BLANC & NOIR SERVICES, INC.; FASCINATION TRANSPORT, INC.; AIRLINE SERVICE, INC. D/B/A CARELI TOURS, INC.; ONE WAY TRANSPORTATION, INC.; KING ARTURO'S CORP.; AND MIAMI NET TOURS AND TRANSPORTATION, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the Certificates of Transportation to provide prearranged special operations Passenger Motor Carrier Transportation listed in the appendix to the County Manager's report are hereby approved and authorized to be issued to Joseph A. DiPatrizio d/b/a Sabre Investigative Agency/Limousine Service; All Points Limousine Services, Inc.; Brickell Key Tours & Transportation, Inc.; Tours In The Sun, Inc.; World Class Limousine Service, Inc.; Jet Lake Corp. d/b/a Lake Limo Service; Sea-Air Limo Service, Inc. d/b/a Family Car Service; Blanc & Noir

Services, Inc.; Fascination Transport, Inc.; Airline Service, Inc. d/b/a Careli Tours, Inc.; One Way Transportation, Inc.; King Arturo's Corp.; and Miami Net Tours and Transportation, Inc. .

The foregoing resolution was offered by Commissioner Gwen Margolis, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Miguel Diaz de la Portilla	absent
Betty T. Ferguson	absent	Gwen Margolis	aye
Natacha Seijas Millan	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of July, 1999. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as to
form and legal sufficiency. GKS

4 5

MEMORANDUM Agenda Item No. 4(CC)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 27, 1999

SUBJECT: Applications for Passenger Motor Carrier Certificates

FROM: M. R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the applications of Joseph A. DiPatrizio d/b/a Sabre Investigative Agency/Limousine Service; All Points Limousine Services, Inc.; Brickell Key Tours & Transportation, Inc.; Tours In The Sun, Inc.; World Class Limousine Service, Inc.; Jet Lake Corp. d/b/a Lake Limo Service; Sea-Air Limo Service, Inc. d/b/a Family Car Service; Blanc & Noir Services, Inc.; Fascination Transport, Inc.; Airline Service, Inc. d/b/a Careli Tours, Inc.; One Way Transportation, Inc.; King Arturo's Corp.; and Miami Net Tours and Transportation, Inc. for Passenger Motor Carrier Certificates of Transportation to provide prearranged special operations service as a passenger motor carrier.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

(1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.

(2) That the transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

In an effort to streamline the number of resolutions for consideration, applications have been combined into one item.

The management plans by the applicants, as outlined in the attached appendix, include maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. Background investigations reveal no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

These applications were filed prior to the adoption of R-1404-98 which provides that new applications will not be received by the department after December 15, 1998; however, applications on file will be processed for Board consideration.

APPENDIX A
Applications for Certificates of Transportation

1. **PMC Control No. 426**

Joseph A. Dipatrizio d/b/a Sabre Investigative Agency/Limousine Service, located at 14876 SW 132nd Avenue, Miami, Florida 33186, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourist and resident groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Joseph A. DiPatrizio, Owner

2. **PMC Control No. 427**

All Points Limousine Services, Inc., located at 75 NE 6th Avenue, Suite 109, Delray Beach, Florida 33483, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport Broward and Palm Beach County resident groups and tourists to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principals are: Ken Halpern - President
John Beserany - Vice President

3. **PMC Control No. 428**

Brickell Key Tours & Transportation, Inc., located at 62 SW 31 Road, Miami, Florida 33129, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourists to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Danilo Santos - President

4. **PMC Control No. 430**

Tours In the Sun, Inc., located at 55 NW 119 Street, Miami, Florida 33168, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to provide tour guide services to tourists and residents to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principals are: Sunny R. Managan - President
Domy C. Sequera - Treasurer

5. **PMC Control No. 431**

World Class Limousine Service, Inc., located at 14101 Jefferson Street, Miami, Florida 33176, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to provide limousine services to residents, tourists and the entertainment industry to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Wendell K. Harris - President

6. **PMC Control No. 432**

Jet Lake Corp. d/b/a Lake Limo Service, located at 5151 Collins Avenue, #426, Miami Beach, Florida 33140, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to provide limousine services to resident, tourist and business groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Paulo T. Castro - President

7. **PMC Control No. 433**

Sea-Air Limo Service, Inc. d/b/a Family Car Service, located at 52 W. Oakland Park Blvd., Wilton Manors, Florida 33311, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to provide limousine services to resident and tourist group to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Kevin Ward - President
Christine Ward - Secretary/Treasurer

8. **PMC Control No. 391**

Blanc & Noir Services, Inc., located at 17520 N.W. 67 Place, #C, Miami, Florida 33015, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourist and resident groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis for individual reservations and on a 2-week minimum basis for group reservations. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Roberto Guzman - President

9. **PMC Control No. 409**

Fascination Transport, Inc., located at 6620 Indian Creek Drive, #307, Miami Beach, Florida 33141, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is a tour operator that seeks to transport tourist and resident groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Carlos Nascimento - President

10. **PMC Control No. 422**

Airline Service, Inc. d/b/a Careli Tours, Inc., located at 5924 N.W. 39 Street, Miami, Florida 33166, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company who is a tour operator seeks to transport Central and South American tourist groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Lourdes Santa Maria - President

11. **PMC Control No. 422**

One Way Transportation, Inc., located at 200 Biscayne Blvd., Suite 7-1, Miami, Florida 33131, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company who is a tour operator seeks to transport tourist groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Joao De Lima - President

12. **PMC Control No. 410**

King Arturo's Corp., located at 5601 S.W. 64 Avenue, Miami, Florida 33143, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is a tour operator and seeks to transport South, Central and European tourist groups and residents to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Arturo Ramirez - President

13. **PMC Control No. 390**

Miami Net Tours and Transportation, Inc., located at 1776 Collins Avenue, Suite 211, Miami, Florida 33139, proposes to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourist and resident groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The principal is: Ziad Elhidmi - President

Approved _____ Mayor

Veto _____

Override _____

Agenda Ite No. 4(AA)
1-29-02

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

ATTACHMENT C

RESOLUTION NO. R-24-02

RESOLUTION APPROVING TRANSFER OF ALL OF THE ISSUED AND OUTSTANDING SHARES OF STOCK OF BRICKELL KEY TOURS AND TRANSPORTATION, INC., HOLDER OF CERTIFICATE OF TRANSPORTATION NO. 326, TO ITS NEW PRESIDENT, ALEJANDRO DIAZ

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the Board hereby approves the transfer of all of the issued and outstanding shares of capital stock of Brickell Key Tours and Transportation, Inc., holder of Certificate of Transportation No. 326, to its new President, Alejandro Diaz as recommended by the County Manager.

The foregoing resolution was offered by Commissioner Dorrin D. Rolle, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	Bruno A. Barreiro	absent
Dr. Barbara Carey-Shuler	absent	Betty T. Ferguson	absent
Gwen Margolis	aye	Joe A. Martinez	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 29th day of January, 2002. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

MEMORANDUM Agen Item No. 4(AA)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 29, 2002

SUBJECT: Brickell Key Tours and Transportation, Inc. application for stock transfer

FROM: Steve Shiver
County Manager

RECOMMENDATION

It is recommended that the Board approve the transfer of all of the issued and outstanding shares of capital stock of Brickell Key Tours and Transportation, Inc., holder of Passenger Motor Carrier Certificate of Transportation No. 326, to its new president, Alejandro Diaz.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Commission, in considering the proposed transfer of ownership or control of the certificate shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Brickell Key Tours and Transportation, Inc., holder of Passenger Motor Carrier (PMC) Certificate of Transportation No. 326, has filed an application to transfer all of the issued and outstanding shares of capital stock of the corporation, to its new president, Alejandro Diaz. The Code requires that such transfers be approved by the Board. PMC No. 326, originally issued on July 27, 1999, authorizes special operations service. Brickell Key Tours and Transportation, Inc. located at 2190 NW 33 Avenue, Miami, Florida, 33142, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution which approved the initial certificate (R-858-99, attached). Brickell Key Tours and Transportation, Inc. will continue

17

transporting tourist and resident groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24 hours minimum basis. These services will be provided 24 hours a day, seven days a week, using chauffeur driven vehicles with a seating capacity or nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Alejandro Diaz, President of Brickell Key Tours and Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

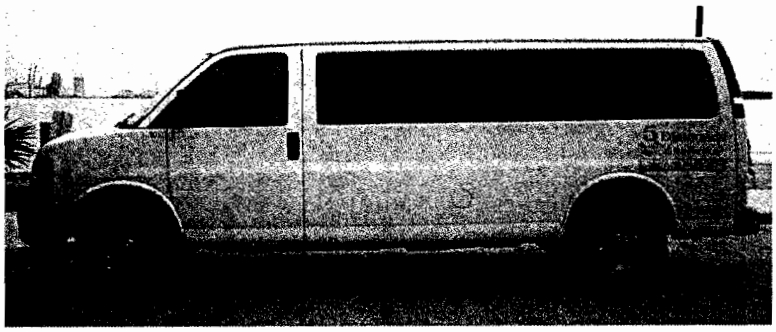
As required by the Code, the applicant has provided disclosure of the terms and conditions regarding transfer of the certificate. A Stock Purchase Agreement between Alejandro Diaz and Brickell Key Tours and Transportation, Inc., establishes the acquisition by Alejandro Diaz of all of the issued and outstanding shares of capital stock of the company for a total price of two hundred and fifty thousand dollars ($250,000.00). No price was assigned to the PMC Certificate of Transportation.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

ATTACHMENT D

5 Diamonds Limousine

Type of Car:	White GMC VAN 2008
Max Capacity Per Limo:	**14 passengers**
Hours of Operation:	24/7
Days a Week:	7



Pick Up From

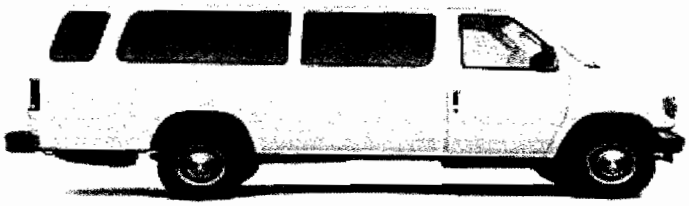
To Downtown Miami and Miami Beach

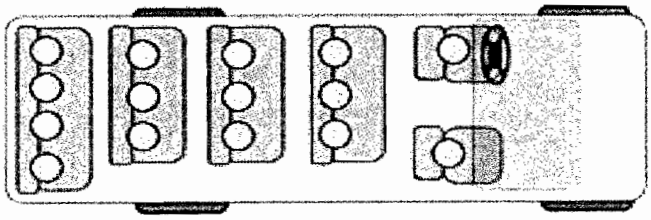
Miami Airport	**$15 per person**
Port of Miami	**$10 per person**

Pick up from Downtown Miami and Miami Beach TO

Miami Airport	**$15 per person**
Fort Lauderdale Airport	**$25 per person**
Port of Miami	**$10 per person**
Miami Beach	**$10 per person**
International Mall	**$15 per person**
Dolphin Mall	**$15 per person**
Aventura Mall	**$15 per person**
Dadeland Mall	**$15 per person**
City Tour	**$45 per person**
Biscayne Bay by Boat	**$39 per person**
Miami Seaquarium	**$55 per person**
Everglades	**$55 per person**
Night City Tour	**$69 per person**

Group rates available upon request
Minimum Trip Fee $45.00





Length: 19 feet

ATTACHMENT E

Bill of Sale for Goods

1. Names

Seller: Brickell Key Tours & Transportation Inc., a Florida corporation

Buyer: Niagara Outsourcing Services Inc, a Florida corporation

2. Transfer of Ownership

Seller sells and transfers to Buyer the following property:

Miami Dade Consumer Services Department Passenger Motor Carrier License # 30326.

Seller acknowledges receiving $20,000 and other consideration from Buyer as payment for this transfer of ownership.

3. Condition of Property

The property is used.

4. Warranty of Ownership

Seller warrants that Seller is the legal owner of the property and that the property is free of all liens and encumbrances.

SELLER

Brickell Key Tours & Transportation Inc.,
a Florida corporation
3350 NW So. River Drive
Miami, Florida 33142

Dated: 12/8/08

By: _____
Alejandro Diaz
Director

must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.
(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 6, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(C)(1)(C)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

22

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(C)(1)(C)

10-6-09

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30326 FROM BRICKELL KEY TOURS AND TRANSPORTATION, INC. TO NIAGARA OUTSOURCING SERVICES, INC. D/B/A FIVE DIAMONDS LIMOUSINE TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30326 to Niagara Outsourcing Services, Inc. d/b/a Five Diamonds Limousine to provide special operations service is approved. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez