

Memorandum



Date: April 6, 2010

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

From: George M. Burgess
County Manager

Subject: Casino Travel, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30194

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

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30194 from Casino Tours, Inc. to Casino Travel, Inc.

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 permit holder; however, the principal of the corporation, Mr. Diego Casaballe, has been a registered chauffeur since April, 2006. 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 March 9, 2010 Government Operations Committee (GOC) 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.

Casino Tours, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30194 to Casino Travel, Inc. Originally issued on June 20, 1995 via Resolution R-858-95 (Attachment B) PMC No. 30194 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-858-95). Casino Travel, Inc., located at 752 NE 83 Street Road, Miami, Florida 33138, 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 attached rate schedule (Attachment C).

The management plan submitted by Mr. Diego Casaballe, President of Casino Travel, 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 the transfer of the certificate. A Sales Agreement (Attachment D) between Casino Tours, Inc. and Casino Travel, Inc. establishes the acquisition by Casino Travel, Inc. of PMC Certificate of Transportation No. 30194 for a total price of \$5,000.00.



Assistant County Manager

ATTACHEMENT A

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, March 9, 2010, 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. 30194 to Casino Travel, Inc. 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.

ATTACHMENT B

RESOLUTION NO. R-858-95

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO CASINO
TOURS, 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,

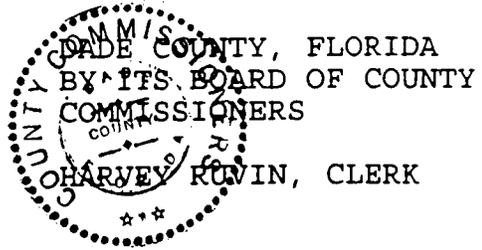
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier services to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Casino Tours, Inc.

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

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	aye
Bruce Kaplan	aye	Gwen Margolis	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Katy Sorenson	aye	Javier D. Souto	aye
Arthur E. Teele, Jr.	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of June, 1995.

Agenda Item No. 7(RR)
Page No. 2



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

By: KAY SULLIVAN
Deputy Clerk

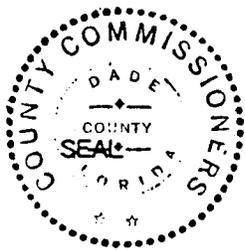
STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-858-95, adopted by the said board of County Commissioners at its meeting held on June 20, 1995.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of June, A.D. 19 95.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By C. Phillippe
Deputy Clerk



Board of County Commissioners
Dade County, Florida



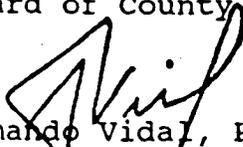
MEMORANDUM

Agenda Item No. 7(RR)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 20, 1995

SUBJECT: Casino Tours, Inc.
application for a
Passenger Motor
Carrier Certificate
(PMC Control No. 254)

FROM: 
Armando Vidal, P.E.
County Manager

RECOMMENDATION

It is recommended that the Board approve the application of Casino Tours, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

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 Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metro Dade County in processing certificate applications. Based on these 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 the 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.

Hon. Chairperson and Members
Board of County Commissioners

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ANALYSIS

Casino Tours, Inc., located at 2901 Indian Creek Drive, #2, Miami Beach, Florida 33316, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations transportation to passengers throughout all of Dade County. This class of service is defined as the 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 terminal or on a regular route. The company seeks to transport residents and tourist groups to various points throughout Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided from 9:00 a.m. to 5:00 p.m., Monday through Saturday, using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than twenty-eight (28) passengers, excluding the driver. The proposed rates are listed on the attached fare schedule.

The management plan submitted by Mr. Horacio Risso, President of Casino Tours, 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 revealed no criminal record for the applicant.

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

This item is being submitted for the April 24, 1995 Health & Public Safety Committee meeting.

CASINO TRAVEL Inc. Net Prices 2009

PLEASE ADD \$ 5.00 PARKING INN ALL INBOUND TRANSFERS

TRANFERS IN-OUT BOUND	1-4 PAX	5-7 PAX	8-10 PAX	11-14 PAX
MIAMI-MIAMI BEACH	\$45.00	\$60.00	\$80.00	\$120.00
PRIVATE VAN			1-10 PAX	10-14 PAX
			\$80.00	\$120.00

TRANFERS IN-OUT BOUND	1-4 PAX	5-7 PAX	8-10 PAX	11-14 PAX
SUNNY ISLES	\$60.00	\$75.00	\$95.00	\$130.00
PRIVATE VAN			1-10 PAX	10-14 PAX
			\$95.00	\$130.00

TRANFERS IN-OUT BOUND	1-4 PAX	5-7 PAX	8-10 PAX	11-14 PAX
HOLLYWOOD	\$75.00	\$90.00	\$100.00	\$140.00
PRIVATE VAN			1-10 PAX	10-14 PAX
			\$100.00	\$140.00

TRANFERS IN-OUT BOUND	1-4 PAX	5-7 PAX	8-10 PAX	11-14 PAX
FORT LAUDERDALE	\$90.00	\$100.00	\$120.00	\$150.00
Airport-Port Area				
PRIVATE VAN			1-10 PAX	10-14 PAX
			\$120.00	\$150.00
West Fort Lauderdale Add \$10.00				

TRANFERS IN-OUT BOUND	1-4 PAX	5-7 PAX	8-10 PAX	11-14 PAX
PALM BEACH	\$160.00	\$185.00	\$200.00	\$240.00
PRIVATE VAN			1-10 PAX	10-14 PAX
			\$200.00	\$240.00

TRANFERS IN-OUT BOUND			1-10 PAX	11-14 PAX
KEY WEST			\$550.00	\$650.00

TRANFERS IN-OUT BOUND			1-10 PAX	11-14 PAX
ORLANDO			\$600.00	\$700.00

MIAMI CITY TOUR	1-3 PAX	4-6 PAX	7-10 PAX	11-14 PAX
	\$120.00	\$175.00	\$230.00	\$280.00
PRIVATE		1-6 PAX	7-10 PAX	11-14 PAX
		\$220.00	\$260.00	\$290.00

EVERGLADES	1-3 PAX	4-6 PAX	7-10 PAX	11-14 PAX
Tickets not included	\$130.00	\$185.00	\$240.00	\$300.00
PRIVATE		1-6 PAX	7-10 PAX	11-14 PAX
		\$220.00	\$260.00	\$290.00

SEAQUARIUM	1-3 PAX	4-6 PAX	7-10 PAX	11-14 PAX
Tickets not included	\$95.00	\$120.00	\$160.00	\$190.00

FULL DAY KEY WEST		1-6 PAX	7-10 PAX	11-14 PAX
		\$450.00	\$600.00	\$750.00
PRIVATE		1-6 PAX	7-10 PAX	11-14 PAX
		\$600.00	\$700.00	\$750.00

FULL DAY ORLANDO		1-6 PAX	7-10 PAX	11-14 PAX
KENEDY SPACE CENTER		\$650.00	\$750.00	\$850.00
Tickets not included				
PRIVATE		1-6 PAX	7-10 PAX	11-14 PAX
		\$700.00	\$800.00	\$850.00

ATTACHMENT D

August 22, 2008

To Whom It May Concern:

I, Horacio R. Risso, of Casino Tours Inc (65-0521042) located at 5601 Collins Ave PH-4, Miami Beach, Fl 33140, in the County of Miami-Dade, State of Florida, in consideration of \$5000 Dollars, (Five Thousand Dollars and 0 Cents), to be paid by Diego Casaballe of Casino Travel Inc (01-0912702) located at 752 NE 83rd St. Miami, Fl 33138 , the receipt of which is hereby acknowledged, do hereby grant, sell, transfer and deliver unto Diego Casaballe the following:

- Passenger Motor Carrier Certificate

PMC MIAMI DADE # 30194

To have and to hold the same to Diego Casaballe and his heirs, executors, administrators, successors and assign, to their use forever.

And I hereby covenant with the grantee Diego Casaballe that I am the lawful owner of said goods; that they are free from all encumbrances; that I have good right to sell the same as aforesaid; and that I will warrant and defend the same against the lawful claims and demands of all persons.

In witness, whereof, I, Horacio R. Risso , hereunto set my hand, this 22 day of August, 2008

Yours very truly,



Witness: 



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.

(1) *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: April 6, 2010

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

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

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

Approved _____ Mayor

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

Veto _____

4-6-10

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30194 FROM CASINO TOURS, INC. TO CASINO TRAVEL, 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 transfer of Certificate of Transportation No. 30194 to Casino Travel, Inc. 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 sponsored 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 April, 2010. 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

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