# Memorandum

MIAMI-DADE COUNTY

**Date:** September 10, 2010

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

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

**From:** George M. Burgess
County Manager

**Subject:** Tasha Services, Inc. d/b/a ART Transportation application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30253

---

## RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30253 from A Ride Transportation, Inc. to Tasha Services, Inc. d/b/a ART Transportation.

## 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. However, the principal of the corporation, Mr. Marcelo A. Pineiro, has been a registered chauffeur since 2002. There is some enforcement history. In 2007, Mr. Pineiro received a citation for discharging passengers at Miami International Airport in an area other that the departure upper level. The citation has been satisfied. 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 July 13, 2010 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.

A Ride Transportation, Inc. (formerly Fantasy Tours of Miami, Inc.) has filed an application to transfer PMC Certificate of Transportation No. 30253 to Tasha Services, Inc. d/b/a ART Transportation. Originally issued on December 16, 1997, via Resolution R-1476-97 (Attachment B), and subject to a stock transfer via Resolution R-1294-03 (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-1476-97). Tasha Services, Inc. d/b/a ART Transportation, located at 20533 Biscayne Boulevard, #1342, Aventura, Florida 33180, 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. Marcelo A. Pineiro, President of Tasha Services, Inc. d/b/a ART Transportation, 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 Tasha Services, Inc. and A Ride Transportation, Inc. establishes the acquisition by Tasha Services, Inc. of PMC Certificate of Transportation No. 30253 for a total price of $15,000.00.

Assistant County Manager

# MEMORANDUM
(Revised)

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

**DATE:** September 10, 2010

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

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

**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
Veto _____
Override _____

Agenda Item No. 8(C)(1)(D)
9-10-10

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30253 FROM A RIDE TRANSPORTATION, INC. TO TASHA SERVICES, INC. D/B/A ART TRANSPORTATION 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. 30253 to Tasha Services, Inc. d/b/a ART Transportation 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 10th day of September, 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

**ATTACHMENT 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, July 13, 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. 30253 to Tasha Services, Inc. d/b/a ART Transportation 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(BB)
12-16-97

**ATTACHMENT B**

RESOLUTION NO. R-1476-97

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO FANTASY TOURS OF MIAMI, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

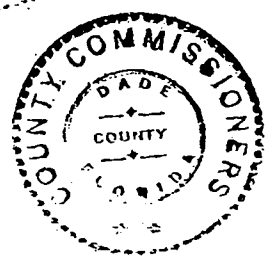
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 service to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Fantasy Tours of Miami, Inc.

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

| | | | |
|---|---|---|---|
| Dr. Miriam Alonso | absent | James Burke | absent |
| Dr. Barbara M. Carey | aye | Miguel Diaz de la Portilla | aye |
| Betty T. Ferguson | aye | Bruce C. Kaplan | aye |
| Gwen Margolis | aye | Natacha Seijas Millan | aye |
| Jimmy L. Morales | aye | Dennis C. Moss | absent |
| Pedro Reboredo | aye | Katy Sorenson | aye |
| Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 1997. 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.




DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

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

By KAY SULLIVAN
Deputy Clerk

MEMORANDUM Agenda Item No. 4(BB)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 16, 1997

SUBJECT: Fantasy Tours of Miami, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 17)

FROM: Armando Vidal, P.E.
County Manager

## RECOMMENDATION

It is recommended that the Board approve the application of Fantasy Tours of Miami, 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 procedures to be followed by Metro-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.

## ANALYSIS

Fantasy Tours of Miami, Inc., located at 3201 Bird Avenue, Miami, Florida 33133, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of 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 Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided 24 hours a day, seven days a week, 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 management plan submitted by Mr. Pedro Torres, President of Fantasy Tours of Miami, 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.

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 November, 1997 Policy Formulation and Internal Support Committee meeting.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(C)(1)(A)
12-4-03

**ATTACHMENT C**

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

RESOLUTION NO. R-1294-03

RESOLUTION APPROVING TRANSFER OF ALL OF THE ISSUED AND OUTSTANDING SHARES OF STOCK OF FANTASY TOURS OF MIAMI, INC., HOLDER OF CERTIFICATE OF TRANSPORTATION NO. 253, TO ITS NEW PRESIDENT, GUSTAVO FELICEVICH

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

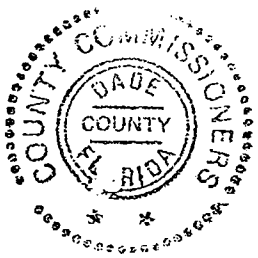
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that in accordance with Chapter 31 of the Code, the Board hereby approves the transfer of all of the issued and outstanding shares of capital stock of Fantasy Tours of Miami, Inc., holder of Certificate of Transportation No. 253, to its new President, Gustavo Felicevich as recommended by the County Manager.

The foregoing resolution was offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Dr. Barbara Carey-Shuler and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson aye
Katy Sorenson, Vice-Chairperson aye

| | | | |
|---|---|---|---|
| Bruno A. Barreiro | aye | Jose "Pepe" Diaz | aye |
| Betty T. Ferguson | absent | Sally A. Heyman | aye |
| Joe A. Martinez | aye | Jimmy L. Morales | aye |
| Dennis C. Moss | aye | Dorrin D. Rolle | aye |
| Natacha Seijas | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. 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

KAY SULLIVAN

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

By:_____
Deputy Clerk

# MEMORANDUM

Agenda Item No. 7(C)(1)(A)

**):** Honorable Chairperson Barbara Carey-Shuler, Ed. D and Members, Board of County Commissioners

**DATE:** December 4, 2003

**SUBJECT:** Fantasy Tours of Miami, Inc. application for stock transfer relating to Passenger Motor Carrier Certificate of Transportation No. 253

**FROM:** George M. Burgess
County Manager

## RECOMMENDATION

It is recommended that the Board approve the transfer of all of the issued and outstanding shares of capital stock of Fantasy Tours of Miami, Inc., holder of Passenger Motor Carrier Certificate of Transportation No. 253, to its new President, Gustavo Felicevich.

## 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 County Commission. The Transportation Committee and Board of County Commissioners, 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

Fantasy Tours of Miami, Inc., holder of Passenger Motor Carrier (PMC) Certificate of Transportation No. 253, has filed an application to transfer all of the issued and outstanding shares of capital stock of the corporation, to its new President, Gustavo Felicevich. The Code requires that such transfers be approved by the Board. PMC No. 253, originally issued on December 16, 1997, authorizes special operations service. Fantasy Tours of Miami, Inc., located at 4300 NW 32 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-1476-97, attached). Fantasy Tours of Miami, Inc., will continue transporting tourist and resident groups to 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 management plan submitted by Mr. Gustavo Felicevich, President of Fantasy Tours of Miami, 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 Stock Purchase Agreement between Gustavo Felicevich and Fantasy Tours of Miami, Inc., establishes the acquisition by Gustavo Felicevich of all the issued and outstanding shares of capital stock of the company for a total price of ten thousand dollars ($10,000.00), which includes the price of 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.

Attachments

Assistant County Manager

**ART Transportation** TASHA SERVICES INC.
20533 Biscayne Blvd.. #1342 Aventura, FLORIDA 33180
Phone 305-636-3616 Fax 1 305-433-5101
E-mail: info@artransportation.net

## 2010 PRICE LIST

ATTACHMENT D

## TRANSPORTATION SERVICES.

| SERVICE DESCRIPTION | If 15 Mile or More | Each way |
|---|---|---|
| Transfers | 3.00 | 75.00 |
| Waiting Time x hour | | 55.00 |
| Miami Dade and Broward | | |

**BILL OF SALE**

**CONTRACT/AGREEMENT & TERMS**

**CONDITON OF SALE**

**ATTACHMENT E**

**MIAMI-DADE COUNTY**

**CONSUMER SERVICES DEPARTAMENT**

The Undersigned, **Gustavo Felicevich**, the seller.

If Corporation title President, of **A Ride Transportation**, Inc. for and consideration of good and valuable consideration.

Does hereby, assign and convey, to **Tasha Services, Inc**

All of his/their rights, title and interest for the following:

Passenger Motor Carrier Certificate **#30253**

Permit Holder's name: **A Ride Transportation,Inc.**

The undersigned Permit Holder acknowledges receipt in the amount of, Fifteen Thousand Dollars,($15.000).

Representing payment in full.

The sale and transfer of this license is pending approval of the Consumer Services Department,

Passenger Transportation Regulatory Division.

IN WITNESSES WHERE OF, the undersigned the seller of Buyer.

The seller **A Ride Transportation,Inc** the buyer **Tasha Services,Inc.**

Has executed this bill of sale agreement this 22 day of March 2010

Signature of Seller

Gustavo Felicevich

President

Signature of Buyer

Marcelo Pineiro

President

SHIRLEY J. KIRKMAN
MY COMMISSION # DD580258
EXPIRES. Aug 10. 2010
Florida Notary Service.com

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.