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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 3, 2014

Agenda Item No. 3(B)(5)

**To:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez
Mayor

**Subject:** Eagles Wings Transportation LLC Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30246

Resolution No. R-722-14

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**Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30246 from HEEV Group LLC to Eagles Wings Transportation LLC.

**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**

Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. Passenger Motor Carrier certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $38 per vehicle.

**Track Record/Monitor**

Applicant is a new service provider. The applicant is in compliance with all Miami-Dade County Code (Code) requirements. Joe Mora, Division Director within the Department of Regulatory and Economic Resources, 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.

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 public hearing. 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.

HEEV Group LLC has filed an application to transfer Passenger Motor Carrier Certificate of Transportation No. 30246 to Eagles Wings Transportation LLC. Transferred on July 19, 2011, via Resolution R-609-11 (Attachment A), PMC No. 30246 authorizes special operations service. 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 company is required to adhere to the terms of the resolution, which approved the certificate. Eagles Wings Transportation LLC, located at 840 NE 178 Terrace, Miami, Florida 33162, seeks to continue providing this class of service by transporting tourist and resident 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 B).

The management plan submitted by Mr. Yonathan Menahem, Manager of Eagles Wings Transportation LLC, 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 C) between HEEV Group LLC and Eagles Wings Transportation LLC establishes the acquisition of Passenger Motor Carrier Certificate of Transportation No. 30246 for a total price of $34,000.00.

Jack Osterholt
Deputy Mayor

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(C)(1)(G)
7-19-11

**ATTACHMENT A**

RESOLUTION NO. R-609-11

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30246 FROM EXPOTRAVEL MIAMI, INC. TO HEEV GROUP LLC D/B/A RED SHUTTLE TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

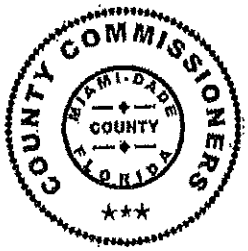
**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**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. 30246 to HEEV Group LLC d/b/a Red Shuttle to provide special operations service is approved. This class of transportation 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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

| | | | |
|---|---|---|---|
| Joe A. Martinez, Chairman | | | aye |
| Audrey M. Edmonson, Vice Chairwoman | | | absent |
| Bruno A. Barreiro | absent | Lynda Bell | absent |
| Esteban L. Bovo, Jr. | absent | Jose "Pepe" Diaz | aye |
| Sally A. Heyman | absent | Barbara J. Jordan | aye |
| Jean Monestime | aye | Dennis C. Moss | absent |
| Rebeca Sosa | aye | Sen. Javier D. Souto | aye |
| Xavier L. Suarez | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2011. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald K. Sanchez

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

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 19, 2011

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

**To:** Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

**From:** Alina T. Hudak
County Manager

Resolution No. R-609-11

**Subject:** HEEV Group LLC d/b/a Red Shuttle Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30246

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**RECOMMENDATION**
It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30246 from Expotravel Miami, Inc. to HEEV Group LLC d/b/a Red Shuttle.

**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**
Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $38 per vehicle.

**TRACK RECORD/MONITOR**
Applicant is a new permit holder. 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 public hearing. 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.

Expotravel Miami, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30246 to HEEV Group LLC d/b/a Red Shuttle. Issued on December 16, 1997, via Resolution R-1472-97 (Attachment A), PMC No. 30246 authorizes special operations service. 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 company is required to adhere to the terms of the resolution, which approved the certificate. HEEV Group LLC d/b/a Red Shuttle located at 18870 NW 57 Ave, #301, Miami Lakes, Florida 33015, 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 B).

The management plan submitted by Ms. Vanessa Martinez, Manager of HEEV Group LLC d/b/a Red Shuttle, 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 C) between HEEV Group LLC and Expotravel Miami, Inc., establishes the acquisition by HEEV Group LLC of PMC Certificate of Transportation No. 30246 for a total price of $34,000.

Attachments

Assistant County Manager

# ATTACHMENT B

| From or to Miami airport | 1-4 Pas | 5-10 Pas | 11-14 Pas |
|---|---|---|---|
| Aventura | 70 | 80 | 110 |
| Boca Raton | | 150 | 175 |
| Coral Springs | | 130 | 155 |
| Downton miami | 55 | 70 | 100 |
| Fort Lauderdale International Airport | | 75 | 100 |
| Ft. Myers | | 465 | 505 |
| Hallandle | 70 | 80 | 110 |
| Homestead | | 105 | 125 |
| Islamaorada | | 300 | 325 |
| kendel | 65 | 80 | 105 |
| Key Biscayne | 65 | 80 | 110 |
| Key Largo | | 250 | 275 |
| Key West | | 500 | 550 |
| Marathon | | 350 | 375 |
| Marco Island | | 310 | 350 |
| Naples | | 370 | 400 |
| North Miami Beach | 65 | 75 | 105 |
| Pompano Beach | | 125 | 145 |
| Port of Miami | 55 | 70 | 100 |
| Sarasota | | 575 | 605 |
| South Beach | 55 | 70 | 100 |
| Tampa | | 700 | 750 |
| West Palm Beach | | 215 | 250 |
| Weston | | 95 | 120 |

# ATTACHMENT C

## AGREEMENT

This agreement (the "Agreement") is entered into as of January 10th, 2014, by and between **Eagles Wings Transportation LLC**, a Florida limited liability company (**"Buyer"**) and **HEEV GROUP LLC** a Florida limited Liability Company (**"Seller"**) (collectively the "Parties").

**WHEREAS,**

a) Seller is the owner and holder of a Miami Dade Passenger Motor vehicle Certificate, known as PMC #30246 (hereinafter referred to as "the Certificate"); and
b) Buyer is an active Florida company, properly licensed and actively operating business in Florida, with no criminal or tax lien records; and
c) Buyer desires to purchase and Seller desires to sell the Certificate to Buyer; and
d) Buyer has already deposited the total amount of $34,000.00 (in cleared funds) with the Escrow Agent referred to herein, which sum is to be held and released pursuant to the terms of this Agreement.

**NOW, THEREFORE,** in consideration of the mutual premises and covenants contained in this Agreement, it is hereby agreed by and between the Parties as follows:

**1) BUYER OBLIGATIONS.**

**Buyer does hereby covenant and agree that:**

a. The above recitals are true and correct, and incorporated herein by reference.
b. Buyer shall pay to Seller the lump sum of $34,000.00 USD (the "Purchase Price" or "Escrowed Funds") in exchange for Seller's transference of the Certificate.
c. The Purchase Price shall be held in escrow by the Law Office of Robert V. Rosenwasser until such time as the Transfer becomes effective.
d. The Transfer of the Certificate shall become effective immediately upon the issuance of a written approval from Miami-Dade County.
e. Immediately upon approval of the Transfer, the Purchase Price shall be paid to Seller by wire transfer (at no additional charge to Seller), payable as follows:

Bank Name: Wells Fargo
Account Name: HEEV GROUP LLC
Routing No.: 063107513
Account No.: 2000061932898

**2) ADDITIONAL TERMS.**

a. The application and/or other paperwork necessary for seeking approval of the Transfer shall be completed, notarized/signed by both parties and submitted to Miami Dade County Consumer Services at 140 West Flagler, Floor 10, Miami, Florida within 15 days of the execution of this Agreement.
b. This Agreement shall automatically terminate and be cancelled if the County denies the application for Transfer of the Certificate.
c. Either Buyer or Seller may cancel this Agreement, without penalty, at any time prior to issuance of a written decision by the County. Provided, however, that Buyer will promptly and reasonably cooperate with Seller in obtaining a cancellation of the requested transfer in the event that the application to the County cannot timely be rescinded or withdrawn.

**3) DISPUTE RESOLUTION.**

The Parties agree that any dispute or controversy arising out of this Agreement shall be determined by a Court of competent jurisdiction, located in Miami-Dade County, Florida. The prevailing party in any such litigation shall be entitled to recover its reasonable attorney's fees and costs.

**4) GENERAL PROVISIONS.**

A. Notices. Any notice or other communication provided for herein or given hereunder to a party hereto shall be in writing and shall be given by delivery, by facsimile or by mail (registered or certified mail, postage prepaid, return receipt requested) to the respective party as follows:

**If to Buyer:**
Eagles Wings Transportation
Yonatan Menahem
59-15 47th Ave 10E
Woodside, NY 11377

**If to Seller:**
HEEV Group LLC
Vanessa L. Martinez
4923 SW 123 Terrace
Cooper City, FL 33330

B. Successors and Assigns. This Agreement is intended to bind and inure to the benefit of and be enforceable by the Parties, and their respective successors, assigns, heirs, executors and administrators; provided, that neither party may assign any duties or her rights hereunder without the written consent of the other party.

C. Waiver and Amendment. Neither party may waive any of the terms or conditions of this Agreement, nor may this Agreement be amended or modified, except in a writing executed by both Parties.

D. Entire Agreement. This Agreement constitutes the entire agreement with respect to the subject matter hereof, and supersedes all other prior agreements and understandings, both written and oral, among the parties hereto and their affiliates.

E. Severability. Whenever possible, each provision of this Agreement will be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be invalid, illegal or unenforceable in any respect under any applicable law or rule in any jurisdiction, such invalidity, illegality or unenforceability will not affect any other provision or any other jurisdiction, but this Agreement will be reformed, construed and enforced in such jurisdiction as if such invalid, illegal or unenforceable provisions had never been contained herein.

F. Governing Law. This Agreement shall be governed by the laws of the state of Florida, without regard to its conflicts of law provisions.

G. Voluntary Execution of Agreement. This Agreement is executed voluntarily and without any duress or undue influence on the part or behalf of the Parties. The Parties warrant and represent that:

(i) they have read this Agreement;

(ii) they have been represented, or, in the alternative, have had the opportunity to obtain representation, in the preparation, negotiation, and execution of this Agreement by legal counsel of their own choice;

(iii) they understand the terms and consequences of this Agreement; and

(iv) they are fully aware of the legal and binding effect of this Agreement; and

(v) the parties signing below have full authority to do so on behalf of the indicated entity, and that no additional approvals are necessary to make each Party bound by the terms of this Agreement.

H. Counterparts/Electronic Signatures. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. For purposes of this Agreement, use of a facsimile, e-mail or other electronic medium shall have the same force and effect as an original signature.

[SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the date first above written.

02/10/2014

SWORN TO AND SUBSCRIBED BEFORE ME THIS 22nd DAY OF January 2014

**BUYER:**

Eagles Wings Transportation LLC

By Yonatan Menahem
Yonatan Menahem
Owner

**SELLER:**

HEEV Group LLC

RAFAEL J. RODRIGUEZ
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE209985
Expires 6/20/2016

By VLM
Vanessa L Martinez PC-DC MG35-892-81-827-C
Manager and Owner

STATE OF NEW YORK
COUNTY OF QUEENS } SS:

BHAGYALAKSHMI SUNDARAN
NOTARY PUBLIC, State of New York
No. 01SU6027603
Qualified in Queens County
Commission Expires 2-6-2015

Personally came Yonatan Menahem

**As to ESCROW AGENT:**

The undersigned Escrow Agent hereby accepts the escrow obligations contained herein, and agrees to release the Escrowed Funds only in accordance with the terms of this Agreement, or as otherwise mutually agreed by the Parties, in writing.

Robert V. Rosenwasser, Esq.

Bar #: 967149

# MEMORANDUM
**(Revised)**

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** September 3, 2014

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

**SUBJECT:** Agenda Item No. 3(B)(5)

**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 Mayor'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. 3(B)(5)
9-3-14

RESOLUTION NO. R-722-14

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30246 FROM HEEV GROUP LLC TO EAGLES WINGS TRANSPORTATION LLC 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. 30246 from HEEV Group LLC to Eagles Wings Transportation LLC to provide special operations service as a passenger motor carrier is approved. This class of transportation 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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

| | | | |
|---|---|---|---|
| Rebeca Sosa, Chairwoman | | | **aye** |
| Lynda Bell, Vice Chair | | | **aye** |
| Bruno A. Barreiro | **absent** | Esteban L. Bovo, Jr. | **aye** |
| Jose "Pepe" Diaz | **absent** | Audrey M. Edmonson | **aye** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Jean Monestime | **aye** | Dennis C. Moss | **aye** |
| Sen. Javier D. Souto | **aye** | Xavier L. Suarez | **absent** |
| Juan C. Zapata | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. 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: Christopher Agrippa
Deputy Clerk

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

Gerald K. Sanchez