

MEMORANDUM

Agenda Item No. 8(J)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

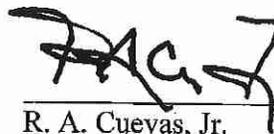
DATE: June 2, 2015

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

SUBJECT: Resolution authorizing
the County Mayor to issue
Stevedore Licenses to Timothy
Touzet and James J. Pelliccio
in accordance with Chapter 28A,
Section 28A-6 of the Code of
Miami-Dade County, Florida

Resolution No. R-486-15

The accompanying resolution was prepared by the Port of Miami Department and placed on the agenda at the request of Prime Sponsor Trade & Tourism Committee.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp

Memorandum



Date: June 2, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Honorable Carlos A. Gimenez,
Mayor

Subject: Resolution Authorizing the County Mayor or the County Mayor's Designee to issue Stevedore Licenses to Timothy Touzet and James J. Pelliccio Pursuant to Chapter 28A, Section 28A-6, of the Code of Miami-Dade County

RECOMMENDATION

It is recommended that the Board approve the accompanying resolution authorizing the County Mayor or the County Mayor's designee to issue new stevedoring licenses to Timothy Touzet and James J. Pelliccio pursuant to Chapter 28A, Section 28A-6, of the Code of Miami-Dade County ("Code").

SCOPE

PortMiami is located within District 5, which is represented by Commissioner Bruno A. Barreiro. The impact of this agenda item is countywide as PortMiami ("Port") is a regional asset and generates employment for residents throughout Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

This proposed resolution will have no fiscal impact on PortMiami.

TRACK RECORD/MONITOR

The Port staff members responsible for monitoring this proposed resolution are Kevin Lynskey, Deputy Port Director, and Alissa Peñaloza, Principal Planner.

BACKGROUND

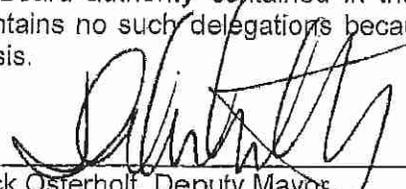
Chapter 28A, Section 28A-6, of the Code, mandates that applications for new County stevedore licenses be presented to the Board by the Mayor, after examination of the qualifications of the applicants by the Seaport Director, and a background investigation by the Miami-Dade Police Department.

Staff has reviewed the qualifications of the applicants, Timothy Touzet and James J. Pelliccio ("2015 License Applicants"), and determined that they are both qualified in accordance with the provisions and requirements of Chapter 28A, Section 28A-6 of the Code. An investigation of the 2015 License Applicants by the Miami-Dade Police Department has revealed no record of disqualifying criminal activity as set forth in Chapter 28A of the Code. Both of the 2015 License Applicants have submitted the mandatory bond requirement (attached).

It is therefore recommended that the Board approve the issuance of stevedore licenses to the 2015 License Applicants.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Code of Miami-Dade County requiring disclosure of delegations of Board authority contained in the body of contracts recommended for competitive award, this item contains no such delegations because stevedore licenses are not contracts approved on a competitive basis.



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 2, 2015

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

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

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. 8(J)(1)
6-2-15

RESOLUTION NO. R-486-15

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ISSUE STEVEDORE LICENSES TO TIMOTHY TOUZET AND JAMES J. PELLICCIO IN ACCORDANCE WITH CHAPTER 28A, SECTION 28A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

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 this Board hereby authorizes the County Mayor or the County Mayor's designee to issue stevedore licenses to Timothy Touzet and James J. Pelliccio in accordance with the provisions of Chapter 28A, Section 28A-6 of the Code of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner José "Pepe" Diaz who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye	
	Esteban L. Bovo, Jr., Vice Chairman	aye	
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

SBB

Steven B. Bass

**PERSONAL
CHARACTER FORM**

**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

Submitted on behalf of Ports America Florida, Inc.

Applicant Name: James J. Pelliccio, Ports America Florida, Inc.

Applicant Age: 53

Applicant Citizenship: United States

Date of Birth: 09/27/61

Race: Caucasian

Social Security Number: [REDACTED]

Home Address: 7 Wesley Court, Bayonne, NJ 07002

Home Phone: 201-823-9171

Mobile Phone: 973-757-9595

E-mail Address: jim.pelliccio@pnct.net

1. Name and address of stevedore firm which applicant will conduct his/her stevedoring activities upon issuance of license:

Ports America Florida, Inc.

2510 Guy N. Verger Blvd.

Tampa, FL 33605

2. Stevedore's Performance Bond: YES

3. Has applicant ever been refused such bond? NO



**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

4. List all connections applicant has had with stevedoring and with shipping industry, giving dates and locations.

Please see attached resume.

5. List all supervisory capacities previously held by applicant in Question No. 4.

Various head office and sales and operations positions; President and CEO; Executive Board Member;

Senior Vice President; and Vice President.

6. Describe supervisory duties performed by applicant in No. 5.

Mr. Pelliccio is President and Chief Executive Officer of Port Newark Container Terminal, L.L.C. and a member of the Executive Team at Ports America. In this position, Mr. Pelliccio is responsible for providing the leadership for all strategic, operational, financial, human capital, business building and industry relationship aspects of Ports America's East Coast operations including Ports America Florida, Inc.

7. List at least 3 local individual references and their addresses, of persons knowing applicant for two years or more.

Name: Christopher Arocha; Eller-ITO

Address: 899 S. America Way, Miami, FL 33132

Telephone: 305-379-3705



**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

Name: Fernando Alvarez; Eller-ITO

Address: 899 S. America Way, Miami, FL 33132

Telephone: 305-379-3706

Name: John Pierce; ZIM Container Line

Address: 8095 N.W. 12th St., Suite 100, Miami, FL 33126

Telephone: 305-423-7402

B. List all bank business accounts:

Wells Fargo Bank

Bank of America

Sovereign Bank

Frost Bank

9. Education: List the name and address of high school, college, or specialty school attended, with dates of attendance and degrees, if any:

Saint Peters College, Jersey City, NJ, Bachelors of Science - 1983;

Harvard University, Boston, MA, Finance for Executive Management - 1997;

Northwestern University, Chicago, IL, Financial Management for Transportation Executives - 1996



**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

10. List any other information which applicants thinks might be of value to the Miami-Dade County Board of Commissioner's regarding this application:

12/18/2014
DATE

James Pelliccio
APPLICANT SIGNATURE

Before me, the undersigned authority, duly authorized to give oaths and take acknowledgments, personally appeared James Pelliccio, who being sworn, deposes and says that he is the person who executed the foregoing Application for Stevedoring License, and that the matters and things therein contained are true and correct.

Witness my hand and official seal at Hudson County, New Jersey, this 18 day of December, 2014.

[Signature]

Notary Public, State of New Jersey at Large

My commission expires: March 20, 2017

(NOTARY SEAL)

LAURA RABER
Commission # 2418741
Notary Public, State of New Jersey
My Commission Expires
March 20, 2017



James J. Pelliccio
7 Wesley Court
Bayonne, NJ 07002
Home: (201) 823-9171
Cell: 201-978-4050
Email: jpelliccio@optonline.net

Career Experience

Ports America

Member of Executive Management Board

2011 - Present

Port Newark Container Terminal

President & CEO

2011 - Present

President & CEO of PNCT reporting directly to CEO of Ports America Group and the Board of Directors of Port Newark Container Terminal. As President of PNCT maintain full profit and loss responsibilities for the Port Newark Container Terminal. Additional responsibilities as a member of the Executive Team of Ports America include development and execution of strategic business plan for the Ports America group.

PNCT responsibilities include:

- Complete P&L responsibilities for Port Newark Container Terminal operations.
- Planning and execution of terminal expansion project currently targeted in excess of \$600 million.
- Acquisition and upgrade of capital equipment in support of expansion.
- Oversight of PNCT safety and environment program.
- Maintain direct responsibility for labor relations at Port Newark. Assignment includes representative Board seat with United States Maritime Alliance (USMX) and New York Shipping Association (NYSA).

Deutsche Bahn

(Schenker, Inc. / BAX Global Inc.)

1994 - 2011

**Senior Vice President Sales/Customer Operations Americas
(DB Schenker)**

2010 - 2011

Senior Vice President, Americas Eastern Region (DB Schenker)

2007 - 2010

**Senior Vice President, Americas - Eastern Division & Canada
(BAX Global / Schenker)**

2004 - 2007

Vice President, Eastern Division (BAX Global)

1996 - 2004

Regional Director (BAX Global)

1994 - 1996

Sales/Customer Operations

Revenue responsibilities increased to include oversight for all commercial activities within DB Schenker North America. Including product development, Global service center/customer operations, tender management, yield management and customer service. Direct reporting responsibility for (12) Global Sales Vice Presidents within North America. Global sales verticals include Automotive, Industrial, Fashion/Retail, Aerospace, Hi-Tech, Retail Electronics, Government, Solar and Semi-conductor. Annual revenue base \$1.9 billion USD. Role reports to Chief Executive Officer North America.

Reappointed to DB Schenker Canada, Ltd. Board

Field Operations

- Duties include P&L responsibility, network operations, as well as market development for the Eastern and Central United States. Responsibilities increased to include Country Manager for BAX Global Canada, Inc.
- Combined operations exceed \$800 million USD in annual revenue.
- Report directly to President and CEO of Americas.
- Responsible for initiating, managing and developing network connectivity between key markets in the global supply chain and North America.
- Maintaining relationships and developing strategies within the rapidly advancing emerging markets, while balancing same in traditional trade lanes across multiple freight forwarding and supply chain products.

Fleet and Non-Fleet Operations

- Directed the development of the transportation network with specific focus on mode neutral, time definite logistics platform for U.S. freight operations. Primary objective to create connectivity of U.S. transportation network to global supply chain requirements.

International Gateway Development

- Established specific market requirements for major trade lanes traffic between natural gateways and corresponding origins and destinations.
- Established secondary gateway in heavily congested New York region (EWR). Operations have successfully created expanded opportunities to key markets in Europe, Africa and Middle East.

Regional Truck Development

- Created footprint for regional truck operations as basis for low cost production options driven by changing requirements of U.S. and global freight forwarding customer base.

Facilities

- Managed facility requirements across 41 markets in the United States and Canada. Long-term focus on engineering and design for changing needs of global customer profile.

Labor Relations

- Defined and executed labor strategy for BAX Global, Inc. in New York Metro Region, pre-acquisition. Redefined and authored strategic operations and labor strategy based on future need of legally merged entities.

Staffing and Personnel Development

- Maintained full head office staff including finance, accounting, human resources, sales and operations throughout Eastern-Central United States and Canada. Additional field management staff includes (7) Regional Directors responsible for day-to-day field operations and personnel management.

Leadership

- Successfully managed key strategic initiatives within the Division and throughout global network.
- Developed the desire and capacity to manage change within field leadership team.
- Communicate organizational priorities through the Division. Nurture relationships with regional CEO's throughout the global organization
- Tough minded in selecting priorities, maintaining an instinct for the essential. Focused on transforming talent within the organization.
- Have consistently generated growth and profit in excess of planned objectives at the Terminal, Area and Division level.

Strategic Initiatives

Product Development – Domestic

- Participated in development and design of mode neutral time definite ground product as strategic alternative to traditional dedicated fleet product offerings.
- Helped define benefits of wholesale products and their relationships to retail customer base.

Product Development - International (Gateway Expansion)

- Continued participation in redevelopment of international products relating to changing market requirements toward decentralized distribution both in the United States and throughout the world.
- Development of alternative gateway strategies to better facilitate cargo movement within expanded BAX Schenker capabilities.
- Specific focus on access to Middle East and Israeli market development.

Product Management Office

BAX-Schenker Integration

As a member of the senior management team of the combined organization, participate fully in the merger and integration of the Americas organization. Areas include; organizational structure, sales realignment, network integration and intercompany relations.

EDUCATION

Saint Peters College, Jersey City, NJ

Major: Business Management

Degree: Bachelor of Science, *December 1983*

Harvard University, Boston MA

Finance for Executive Management, *July 1997*

Northwestern University, Chicago, IL

Financial Management for Transportation Executives, *July 1996*

BOARD APPOINTMENTS

United States Maritime Alliance (USMX)

New York Shipping Association (NYSA)

REFERENCES

Available upon request

QUESTIONNAIRE



Lori A. Berger
Deputy General Counsel
Ports America
Tel: (732) 635-3869

December 12, 2014

Susel Ferrer
Permits Supervisor
Port Miami
1001 N. America Way, Suite 115,
Miami, Florida 33132

Re: Application for Stevedoring License and Permit on behalf of Ports America Florida, Inc.

Dear Ms. Ferrer:

Enclosed herewith is a completed application for a stevedoring license and permit on behalf of Ports America Florida, Inc. and a personal character form signed and notarized by Mr. James Pelliccio, an employee and executive of Ports America.

1. Ports America Florida, Inc. is an indirect wholly owned subsidiary of Ports America, Inc. Ports America, Inc. is a member of the affiliated companies of Ports America, a group of terminal operating companies owned by Highstar Capital, a leading infrastructure fund. Ports America Florida, Inc. is an indirect wholly owned subsidiary of Ports America, Inc. and will continue to maintain its existing 50% membership interest in Eller-ITO Stevedoring Company LLC and the Port of Miami Terminal Operating Company LLC.
2. We have ordered and will forward upon receipt a letter from Bank of America confirming a Certificate of Deposit in excess of \$1000.00. This certificate of deposit fulfills the requirement for a \$1000 performance bond. Our Federal Tax I.D. # is 65-0544469. The required certificate of liability insurance is also attached to our enclosed Permit Application.
3. Please disclose the pendency or entry within the last twenty (20) years of any and all proceedings, judgement, and/or orders of any court or regulatory body respecting the ability of the applicant, its affiliates, and /or its principals or operating officers to conduct a stevedoring business. **None**
4. Please disclose any outstanding fees, taxes, or charges assessed within the last twenty (20) years by Miami-Dade County, including the Port of Miami, to the applicant and any and all affiliates, principals or operating officers that remain unpaid at present that were required to be written off, or that remained unpaid for a period of more than six months. **None**

Ports America
525 Washington Boulevard, 16th Floor · Jersey City, New Jersey 07310
Telephone: 732-635-3869 · Website: www.portsamerica.com

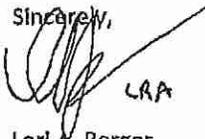
5. Mr. Pelliccio is a member of Ports America's Executive Management Board and President of Port Newark Container Terminal, L.L.C. Mr. Pelliccio has over 22 years experience in the shipping and maritime industries. The principal officers of Ports America Florida, Inc. are Mr. Michael Hassing, CEO and Mr. Ray McQuiston, SVP, Secretary and General Counsel. Mr. Hassing has 35 years of maritime experience in Europe and in the United States. Mr. McQuiston has a B.S. from the University of Michigan and a Juris Doctor from Syracuse College of Law. Prior to becoming associated with Ports America, Mr. McQuiston represented leading transportation companies, primarily in the marine, logistics, and terminal facility sectors for 23 years.
6. Pursuant to section 28A-6.5, please disclose whether the applicant, the firm on behalf of which the applicant has applied, or any officer, member or shareholder of greater than twenty (20) percent share thereof has within the last ten (10) years (i) been convicted of a felony or (ii) had a finding of guilt entered against him, her, or it (including, but not limited to, a withhold of adjudication). **None**
7. Has the applicant or any of its employees, contractors, or affiliates, in the State of Florida, within the past 5 years, been a party to or subject of any civil, criminal, administrative, or disciplinary proceeding, action, investigation before, or had fines or citations imposed or issued upon or against it by any Federal, or State, local court, administrative, regulatory or licensing agency including without limitation, OSHA and any environmental agencies, or any other governmental agencies. If yes, please provide details and outcomes, and attach copies of any identified citations and complaints. Attach supplemental pages as needed. **None**.
8. Identify any fines issued or citations issued or imposed by OSHA to applicant (or applicant's stevedoring firm or employer) or any employee or affiliate of applicant, relating to or arising from stevedoring operations at any Florida port or marine facility during the last five years. For each identified citation and fine, please describe the incident giving rise thereto or any accidents or injuries, there from or relating thereto and provide copies of all citations and related inspection or investigative reports and any attachments thereto, any appeal of the same, and the final settlement or other disposition of such citations or fines. **None**.

We enclose the following:

1. Certificate of Insurance dated December 18, 2014;
2. Permit Application
3. Personal Character Form for Mr. James Pelliccio.

Please contact me at the number listed below if you have any questions.

Sincerely,



LRA

Lori A. Berger
Deputy General Counsel
Ports America

PERFORMANCE BOND

				No. 009884	
DATE:	2015-04-09	VENDOR NAME	MIAMI-DADE COUNTY DBA PORT OF MIAMI	VENDOR NO:	3631
INVOICE NO.	CKR04092015	INVOICE DATE	09-Apr-2015	DESCRIPTION	FOR PERFORMANOE SECURITY
				DISCOUNT	0,00
				NET AMOUNT	1,000.00
				0.00	1,000.00

APR 16 2015

FOR SECURITY PURPOSES THE REVERSE OF THIS DOCUMENT CONTAINS A BLUE GREEN BACKGROUND PRINTED OR FINE WATER MARK PAPER

Port America Payment Center
 55 NORTH ARIZONA PLACE
 SUITE 400
 CHANDLER, AZ 85225

Wells Fargo Bank, N.A.
 420 Montgomery Street
 San Francisco, CA 94104

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
9-Apr-15	009884	\$1,000.00

PAY One Thousand Dollars And Zero Cents *****

TO THE ORDER OF MIAMI-DADE COUNTY DBA PORT OF MIAMI
 C/O SUSEL FERRER
 1001 NORTH AMERICA WAY
 SUITE 115
 Miami FL 33132

⑈009884⑈ [REDACTED] [REDACTED]

Port Miami

1015 N. American Way
Miami, FL 33132

Date: 4/10/2015 Mach ID: SPIDB037
Office: 064002 Cashier: FERRERS
Batch: 1159 Tran #: 3

=====
Rcpt #: 00175295
Customer: PORTS AMERICA FLORIDA, INC
064300301 PERMIT WARRANTY PAYMENT

Payment Total: \$1,000.00

=====
Transaction Total: \$1,000.00
CHECK Tendered: \$1,000.00

Thank you for your payment.
Have a nice day!

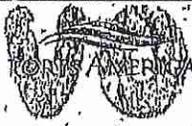
MISCELLANEOUS

No. 037121

DATE: 2014-12-18	VENDOR NAME: MIAMI-DADE COUNTY DBA PORT OF MIAMI	VENDOR NO: 3631
INVOICE NO. CKR12182014	INVOICE DATE: 18-Dec-2014	DESCRIPTION: LICENSE FEE
	DISCOUNT: 0.00	NET AMOUNT: 50.00

0.00 50.00

FOR SECURITY PURPOSES THE FACE OF THIS DOCUMENT CONTAINS A BLUE-GREEN BACKGROUND PRINTED ON TRUE WATERMARK PAPER.



Ports America Payment Center
55 NORTH ARIZONA PLACE
SUITE 400
CHANDLER, AZ 85226

Wells Fargo Bank N.A.
For Inquiries call
800-289-3673, ext. 1750101
Van Wert OH 45891

No. 037121

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
18-Dec-14	037121	\$50.00

Fifty Dollars And Zero Cents

VOID

TO THE ORDER OF

MIAMI-DADE COUNTY DBA PORT OF MIAMI
C/O SUSEL FERRER
1001 NORTH AMERICA WAY
SUITE 115
Miami FL 33132

[Signature]

⑈037121⑈

SEARCHED
SERIALIZED
INDEXED
DEC 19 11:11 AM '14

Invoice No. 2015- 01582

DATE 12/23/2014

Port of Miami
1015 North America Way, 2nd Floor
Miami, FL 33132-2081
T 306-371-7678 F 305-329-4057
www.miamidade.gov/portofmiami
www.miamidade.gov

INVOICE

BILL TO:
JAMES PELLICCIO
241 CALCUTTA STREET
PORT NEWARK, NJ 07114-

TARIFF	DESCRIPTION	QUANTITY	UNIT	RATE	AMOUNT
700.04	MISCELLANEOUS REVENUE CHARGE		VAR		50.00
SUB-TOTAL					50.00

TOTAL 50.00

REMARKS:
STEVEDORING LINCENSE APPLICATION FEE
DECEMBER 23, 2014

INVOICES ARE PAYABLE UPON RECEIPT ALL INVOICES PAST DUE 30 DAYS OR MORE ARE SUBJECT TO A LATE PAYMENT PENALTY IN ACCORDANCE WITH SECTION 218.01 OF THE PORT OF MIAMI TARIFF. TAKE ADVANTAGE OF OUR MANY SECURE ONLINE PAYMENT CHOICES BY VISITING http://www.miamidade.gov/portofmiami/online_services.asp

Invoice No.
2015- 01582

PAID

24

Ferrer, Susel (Seaport)

From: Ferrer, Susel (Seaport)
Sent: Friday, December 19, 2014 4:58 PM
To: Simons, Angela (Seaport)
Cc: Mauri, Ray (Seaport)
Subject: Invoice Request - New Stevedoring License Application

Good afternoon Angela,

Please process a \$50.00 invoice for James Pelliccio from Ports America for his "New Stevedoring License Application Fee". This is a one-time permit fee required for new stevedoring license applications. Below is his contact information for your reference:

James J. Pelliccio
Executive Board Member
Ports America Florida, Inc
241 Calcutta Street
Port Newark, NJ 07114

Thank you,

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

PORT MIAMI

PORTMIAMI

Miami-Dade County Seaport Department
Permits Section
1001 North America Way, Suite 115, Miami, FL 33132
(305) 347-4964 Office • (305) 347-4820 Fax

To: Alfredo Ferrer, Major
PortMiami Safety & Security Division

From: Susel Ferrer
Business Permits Supervisor

Date: December 19, 2014

RE: New Stevedoring License Application – James Pelliccio
Criminal Background Check Request

In accordance with the Miami-Dade County Code, Section 28A-6, please conduct a criminal background check for the following stevedoring license applicant:

James J. Pelliccio
Executive Board Member
Ports America Florida, Inc
241 Calcutta Street
Port Newark, NJ 07114

As indicated in Section 28A-6.4 (a), please report your findings directly to the Director's office with a memorandum indicating whether the applicant has passed or failed the criminal background check. Also, kindly forward copies of your findings to the Permit's Section for our records.

Mr. Pelliccio's stevedoring application is enclosed for your reference.

Thank you for your prompt attention to this matter.

cc: Ray Mauri, Chief of Business Initiatives
Larry Rogers, Acting Chief of Security

Enclosures

Miami-Dade County Code - Section 28A-6
Timothy Touzet's Stevedoring License Application

Sec. 28A-6. Licensing and permits for stevedores.

28A-6.1. Miami-Dade County stevedore licenses. No person shall act as a stevedore within Miami-Dade County, Florida, unless such person is a natural person and has first obtained a stevedore license from the Board after examination. The application for a stevedoring license shall be made by a natural person only and shall be submitted under oath to the Director for consideration by the County Manager. The County Manager shall present the application with his recommendation to the Board. No person shall employ a stevedore to perform services as such within Miami-Dade County, Florida, unless such stevedore is licensed by the Board. The issuance of a Miami-Dade County stevedore license shall not entitle the holder thereof to perform stevedoring services at or with the Port of Miami absent the issuance of a stevedore permit to the licensee or the firm by which the licensee is employed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

28A-6.2. Port of Miami stevedore permits. No person shall act as a stevedore within the Port of Miami without first having obtained a stevedore permit from the Director. The application for a stevedoring permit for the Port of Miami shall be made by a person, including a corporation or partnership, and shall be submitted under oath to the Director. The Director shall not consider an application for a stevedore permit unless the applicant has a stevedore license or employs a natural person so licensed. The Director shall examine the qualifications of the applicant and shall issue the permit only if the criteria established in Section 28A-6 are met. No person shall employ a stevedore to perform stevedoring services within the Port of Miami unless such stevedore has a stevedoring permit and either has a stevedore license or employs a natural person so licensed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

28A-6.3. Application for County stevedore license and Port of Miami stevedore permit.

- (a) Each application for a County stevedore license or Port of Miami stevedore permit shall be filed together with a personal character form furnished by the County Manager or the Director and completed and sworn to by the applicant. If the person applying for a stevedore permit is a corporation or other non-natural person, the personal character form shall be completed by the chief executive officer of the entity on behalf of the entity.
- (b) The applications for the County stevedoring license and the Port of Miami stevedore permit shall require the applicant to report in writing any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of or any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, the application must be accompanied by a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. The name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County, shall be provided by the applicant.
- (c) All stevedore permit holders shall keep all ownership and controlling interest information current over the course of the stevedore permit. A stevedore permit holder shall notify the director in writing, with a copy to the County Manager, of any change in the identity of persons holding a "controlling financial interest" in the permit holder contemporaneously with the occurrence of such change, and state in its notice whether the underlying transaction was approved by the Committee on Foreign Investment in the United States ("CFIUS) pursuant to

50 U.S.oo App. SS2170, if applicable, and if so, the date of such approval. The port director shall have the authority to request that a background investigation of such persons be performed by the Miami-Dade Police Department. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 07-57, § 3, 4-24-07)

28A-6.4. Procedure for obtaining County stevedore license and/or Port of Miami stevedore permit.

- (a) A County stevedore license application may be obtained at the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. The Miami-Dade Police Department shall process the application and return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Director shall forward his recommendations with the application to the County Manager for his consideration pursuant to Section 28A-6.1.
- (b) A Port of Miami stevedore permit application may be obtained from the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. Following processing, the Miami-Dade Police Department shall return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Port Director, in making his determination as to the issuance or denial of the permit, shall, in addition to the criteria set forth in subsection (c) below, make findings as to the need or lack of need for such permit.
- (c) The County Manager and the Seaport Director shall, after examination, issue stevedore licenses and permits, respectively, to competent and trustworthy persons in such numbers as they deem necessary for the efficient operation of the county waterfront and Port of Miami facilities. The criteria for issuance shall, in the case of a permit in addition to the needs determination contained in subsection (b) above, include, but shall not be limited to, the following:
- (1) The physical ability of the port, the waterways, and the Miami River facilities, respectively, to handle the vessel(s), passengers, freight or support services necessary therefor, which may be proposed by the applicant, including plans (if any) approved by the Board for proposed facilities expansion;
 - (2) The total and peak quantities of passengers or freight;
 - (3) The frequency of dockings;
 - (4) Special demands upon or savings to the County;
 - (5) The inability or refusal of license or present permit holders, respectively, to adequately serve new or existing business;
 - (6) The financial strength of the applicant, including the ability to secure insurance, indemnity and performance bonds;
 - (7) The pendency or entry of any proceeding, judgment or order of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating offices to conduct a stevedoring business;
 - (8) The experience of the applicant, its affiliates, principals or operating officers;
 - (9) Efficient operation of the port, having due regard for the business of the port, harbor and channels; and
 - (10) The applicant's work-related safety record over the last five (5) years, including, without limitation, the frequency or severity or both of work-related accidents, injuries or deaths; and citations, judgments, consent decrees, notices of violation or rulings issued by OSHA and other regulatory agencies.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98; Ord. No. 00-29, § 1, 2-24-00;

Ord. No. 08-114, § 1, 10-7-08)

28A-6.5. Denial of County stevedore license or Port of Miami permit.

- (a) A County stevedore license or Port of Miami permit shall be denied to any person or entity required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (l); except in the case of a Grandfathered Applicant, which shall be governed by subsection (b) below.
- (b) A County stevedore license or Port of Miami permit shall be denied to any Grandfathered Applicant required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (l); provided, however, that any felony falling within one of the following two categories shall not be considered:
- (A) Any felony conviction or finding of guilt more than five (5) years prior to the effective date of the ordinance from which this section derives; and
- (B) Any felony conviction or finding of guilt less than five (5) years prior to the effective date of the ordinance from which this section derives other than cargo theft; smuggling; possession with intent to sell or distribute, sale, or trafficking of narcotics or other controlled substance; any violent crime committed with a weapon; fraud, misrepresentation, embezzlement, bribery, forgery, false pretenses or any other felony under Chapters 812, 817, 837, or 838, Florida Statutes, or their federal counterparts.

A "Grandfathered Applicant" for purposes of this subsection and subsection (a) above means a person or firm working on the Seaport as of the effective date of the ordinance from which this section derives or who, prior to the effective date of the ordinance from which this section derives, worked on the Seaport. Nothing in this section shall be construed to treat a felony conviction or a finding of guilt of a Grandfathered Applicant occurring subsequent to the effective date of the ordinance from which this section derives any differently than such a conviction or finding of guilt would be treated for an applicant under section (a).

- (c) Any applicant for a County stevedore license or Port of Miami permit denied a license or permit based on subsections (a) or (b) above may appeal the decision to the appeals committee set forth in Section 28A-5.3(h). The Director shall issue a license or permit if the applicant otherwise qualifies and the appeals committee has determined the applicant shall be issued a license or permit. Alternatively, if the appeals committee determines that the applicant shall be denied a license or permit, the Director shall issue the applicant a letter so stating. In either event, the applicant or the Director, as the case may be, shall have available the review procedures of Section 28A-7. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98)

28A-6.6. Duration; grounds for suspension or revocation. A Miami-Dade County stevedore license or Port of Miami stevedore permit issued by the Board or Director, respectively, shall expire on January fifteenth annually. Upon expiration, a license or permit may be renewed by the Director when all the applicable requirements and procedures set forth in Sections 28A-6.1 through 28A-6.8 and Port of Miami Tariff No. 010, as amended, have been met. Failure of any person to timely file an application for renewal of a Miami-Dade County stevedore license or a Port of Miami stevedore permit shall cause the same automatically to lapse. In the event that a license or permit lapses, the holder may petition the County Manager or Director, respectively, for reinstatement of such license or permit. For good cause shown, the County Manager or Director, respectively, may reinstate such a license or permit to renewal status. A stevedore license or permit shall be subject to suspension or revocation upon a determination by the Mayor or Designee that the frequency or severity or both of work-

related accidents, injuries or deaths, or citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies, warrants a suspension or revocation. The Mayor or Designee shall provide notice of suspension of [or] revocation to the license or permit holder by certified mail ten (10) days before the license or permit is revoked or suspended. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 08-114, § 1, 10-7-08)

28A-6.7. Transfer of Miami-Dade County stevedore license or Port of Miami stevedore permit.

- (a) No stevedoring licenses or permits shall be transferable except as follows: When a licensee or permittee shall have a bona fide sale of the business which he is so licensed or permitted to conduct, he may obtain a transfer of such license or permit to the purchaser of the said business only if the application of the purchaser shall be approved by the Director and the Board under the same procedures provided for in Sections 28A-6.1 through 28A-6.6.
- (b) Immediately and automatically upon the death of a holder of a stevedore license or permit, the license or permit shall terminate; however, any insurance, bond, covenant, indemnity, guarantee or monetary obligation to Miami-Dade County arising from the stevedore business at or prior to such death shall remain in full force and effect and shall be binding upon the estate, any beneficiary, devisee, heir at law, creditor or personal representative (as those terms are defined in Chapter 731, Florida Statutes, and particularly Section 731.201 [thereof]).
- (c) Where a holder of a Port of Miami stevedore permit is the only permit holder employed with a stevedore firm on the port, but has no "controlling interest" (as defined in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County) in the firm, and the permit holder ceases to hold such permit, then the Director shall give a preference in issuing the next available permit to a natural person who is also employed by said stevedoring firm and who files an application and qualifies pursuant to Sections 28A-6.1 through 28A-6.7. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

Annotation—AO 4-50

28A-6.8. Reporting of work-related accidents and injuries and regulatory actions. The holder of a stevedore license or permit shall report to the Director within three (3) days:

- (a) All work-related accidents, injuries and deaths that occur as part of, relate to, are caused by, or arise out of the license or permit holder's operations at the Port of Miami or in Miami-Dade County; and
- (b) All citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies to the license or permit holder whether at the Port of Miami, in Miami-Dade County or elsewhere.

(Ord. No. 08-114, § 2, 10-7-08)

Ferrer, Susel (Seaport)

From: Rogers, Larry (Seaport)
Sent: Tuesday, December 23, 2014 10:07 AM
To: Ferrer, Susel (Seaport)
Subject: FW: Stevedoring License Application - Background Check Request

Here ya go, number 2. No problems here.

From: Gonzalez, Rudy J. [mailto:rjgonzalez@mdpd.com]
Sent: Tuesday, December 23, 2014 9:43 AM
To: Rogers, Larry (Seaport)
Subject: Fwd: Stevedoring License Application - Background Check Request

As per your request

Merry Christmas to you and your family and all the best in the New Year.

Rudy J. Gonzalez, Lieutenant
Seaport Operations Bureau

"People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf." George Orwell.
Sent from my iPhone

Begin forwarded message:

From: "Alfonso, Hector J." <hjalfonso@mdpd.com>
Date: December 23, 2014 at 8:29:27 AM EST
To: "Gonzalez, Rudy J." <rjgonzalez@mdpd.com>
Subject: RE: Stevedoring License Application - Background Check Request

Agent Report

datetime: 2014-12-23T08:14:17-0500 desc: --- 00002 encrypted: 0 id: sba522132c1e9b7bf2b998:

DEV-NBR-HDR

MNE-HDR 519003498

DTE-HDR 50141229

TIME-HDR 0814

MSG-NBR-HDR 00002

--NCIC--

NLD1PLS0560703831

FL0136909

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX (III)

FOR NAM/PELLICCIO, JAMES. POR/C. SOC/[REDACTED]. SEX/M. RAC/W. DOB/19610927,

IND/Y. EBS/1.

END

--END--

eAgent Report

datetime: 2014-12-23T08:19:34-0500 desc: FQI 00003 encrypted: 0 id: 10a7236a8d1ab88e6
DEV-NBR-HDR
MNE-HDR 513003498
DTE-HDR 20141223
TIME-HDR 0819
MSG-NBR-HDR 00003
MKE FQI

FQI FL01369Q9JAMES
WML9610927

PELLICCIO

C--FLORIDA CCH RESPONSE--

QI.NAM/PELLICCIO, JAMES.RAC/W.SEX/M.DOB/09271961.SOC/[REDACTED].PUR/C
HIT NUMBER 01 ** FLORIDA CRIMINAL HISTORY ** AS OF 12/23 AT 08:19
SID/01501567 HAI/GRY EYE/BRO RAC/W DLT/12/12/2014 FPC/PO6513151707001!
REF/99050290 HGT/508 WGT/200 SEX/M SKN/ POB/FL FBI/905566V7 AFS/
OCC/NONE LRA/1380 NW 129TH ST CIT/NORTH MIAMI, FL DOC/
DNA/ Y

NAM/AKA	DOB	SSN	MNU
PELUSO, JOSEPH JAMES	10/26/1961	[REDACTED]	GLA
ELUSO, JOSEPH JAMES	10/02/1961	[REDACTED]	TAT
PELUSO, JOSEPH J			TAT
PELUSO, JAMES			TAT
PELUSO, JAMES JOSEPH			TAT
PELUSO, JOSEPH			TAT
PELVSO, JOSEPH JAMES			TAT
PELUSO, JOSEPH JAMES			TAT

-- CONTINUED --

PELUSA, JOSEPH JAMES TAT
PELISO, JOSEPH JAMES TAT
SINGLE-SOURCE-OFFENDER- IN III
-- CONTINUED --

HIT NUMBER 02 ** FLORIDA CRIMINAL HISTORY ** AS OF 12/23 AT 08:19
SID/01555582 HAI/BLN EYE/BLU RAC/W DLT/10/24/2001 FPC/DO6015171322PO2:
REF/40580051 HGT/509 WGT/145 SEX/M SKN/LGT POB/OH FBI/
OCC/MASONERY LRA/19960 BO GREEN RD W CIT/WESTON, OH DOC/3:

NAM/AKA	DOB	SSN	MNU
PLESS, JAMES DANIEL	09/29/1961	[REDACTED]	SO I

-- CONTINUED --

HIT NUMBER 03 ** FLORIDA CRIMINAL HISTORY ** AS OF 12/23 AT 08:19
SID/05057554 HAI/BLK EYE/GRN RAC/W DLT/11/09/2009 FPC/
REF/82060900 HGT/508 WGT/164 SEX/M SKN/ POB/CB FBI/ AFS/:

NAM/AKA	DOB	SSN	MNU
PALACIO-ROJAS, JAIME	03/24/1961		

-- END --

NO CRIMINAL HISTORY RECORD SOC/[REDACTED]

--NCIC--

1L01FLS0560708228
FL01369Q9

NO NCIC WANT SOC/[REDACTED]
NO NCIC WANT NAM/PELLICCIO, JAMES DOB/19610927 RAC/W SEX/M

From: Gonzalez, Rudy J.
Sent: Monday, December 22, 2014 2:04 PM
To: Alfonso, Hector J.
Subject: Fwd: Stevedoring License Application - Background Check Request

one more my friend

Thanks
Rudy

Rudy J. Gonzalez, Lieutenant
Seaport Operations Bureau

"People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf." George Orwell.
Sent from my iPhone

Begin forwarded message:

From: "Rogers, Larry (Seaport)" <lrogers@miamidade.gov>
To: "Gonzalez, Rudy J." <rjgonzalez@mdp.com>
Subject: FW: Stevedoring License Application - Background Check Request

From: Ferrer, Susel (Seaport)
Sent: Friday, December 19, 2014 5:05 PM
To: Ferrer, Alfredo (MDPD); Ferrer, Alfredo (Seaport)
Cc: Mauri, Ray (Seaport); Rogers, Larry (Seaport)
Subject: RE: Stevedoring License Application - Background Check Request

The second request has been submitted as well. Please see attached for your reference.

Have a wonderful weekend.

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

[cid:image001.jpg@01D01BAD.E16996B0]

From: Ferrer, Susel (Seaport)
Sent: Friday, December 19, 2014 2:53 PM

To: Ferrer, Alfredo (MDPD); Ferrer, Alfredo (Seaport)
Cc: Mauri, Ray (Seaport); Rogers, Larry (Seaport)
Subject: Stevedoring License Application - Background Check Request

Good afternoon Major,

For your reference, the attached request was sent to your attention via interoffice mail.

A second request for another applicant may be submitted separately. We are waiting for the company to submit the documentation.

Best regards,

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

[cid:image001.jpg@01D01BAD.E16996B0]

Think Green. Please only print this e-mail if you need to.

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Ferrer, Susel (Seaport)

From: Lori Berger <Lori.Berger@portsamerica.com>
Sent: Friday, December 19, 2014 3:59 PM
To: Ferrer, Susel (Seaport)
Subject: RE: Prior Filings

And you also! Thank you for your help!

Lori Berger
Deputy General Counsel - Litigation
Ports America
525 Washington Blvd
16th Floor, Suite 1660
Jersey City, NJ 07310
Tel: 732-635-3869
Mob: 732-668-5045
Email: lori.berger@portsamerica.com

From: Ferrer, Susel (Seaport) [<mailto:FERRERS@miamidade.gov>]
Sent: Friday, December 19, 2014 3:53 PM
To: Lori Berger
Subject: RE: Prior Filings

Thank you Lori. Have a great weekend.

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

PORT MIAMI

From: Lori Berger [<mailto:Lori.Berger@portsamerica.com>]
Sent: Friday, December 19, 2014 3:50 PM
To: Ferrer, Susel (Seaport)
Subject: RE: Prior Filings

Susel,

Please see attached application for a stevedoring license and business permit. If you have any questions, please reach out.

Thank You,
Lori

Lori Berger
Deputy General Counsel - Litigation
Ports America
25 Washington Blvd
5th Floor, Suite 1660
Jersey City, NJ 07310
Tel: 732-635-3869
Mob: 732-668-5045
Email: lori.berger@portsamerica.com

From: Ferrer, Susel (Seaport) [<mailto:FERRERS@miamidade.gov>]
Sent: Friday, December 19, 2014 10:53 AM
To: Lori Berger
Subject: RE: Prior Filings

Sorry, missed the attachment. Here it is.

Thanks!

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

PORTMIAMI

From: Ferrer, Susel (Seaport)
Sent: Friday, December 19, 2014 10:51 AM
To: 'Lori Berger'
Subject: RE: Prior Filings

Good morning Lori,

I received two checks; one for the renewal of the company's permit and the other one for the new license application (copies attached). Will you be submitting the actual applications in the next few days?

Please let me know.

Best regards,

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

PORTMIAMI

12 36

From: Lori Berger [mailto:Lori.Berger@portsamerica.com]

Sent: Thursday, December 18, 2014 9:28 AM

To: Ferrer, Susel (Seaport)

Subject: Prior Filings

Susel,

Good Morning! Thanks for reaching out this morning. I just wanted to let you know that I did not receive an e-mail from you this morning with the past filings. Please let me know.

Thanks,
Lori

Lori Berger
Deputy General Counsel
Ports America
525 Washington Blvd
16th Floor, Suite 1660
Jersey City, NJ 07310
Tel: 732-635-3869
Mob: 732-668-5045
Email: lori.berger@portsamerica.com

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**PERSONAL
CHARACTER FORM**

**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

Applicant Name: Timothy Touzet
Applicant Age: 43
Applicant Citizenship: U.S. Citizen
Date of Birth: October 23, 1971
Race: White
Social Security Number: [REDACTED]
Home Address: 6466 Di Moda Lane 103
Melbourne, FL 32940
Home Phone: (321) 637-8793
Mobile Phone: (321) 506-1616
E-mail Address: ttouzet@ceresglobal.com

1. Name and address of stevedore firm which applicant will conduct his/her stevedoring activities upon issuance of license:

Ceres Marine Terminals, Inc.
1931 Cordova Road, Suite 502
Ft. Lauderdale, FL 33316

2. Stevedore's Performance Bond: 09141369

3. Has applicant ever been refused such bond? NO

**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

4. List all connections applicant has had with stevedoring and with shipping industry, giving dates and locations.

See resume attached

5. List all supervisory capacities previously held by applicant in Question No. 4.

See resume attached

6. Describe supervisory duties performed by applicant in No. 5.

See resume attached

7. List at least 3 local individual references and their addresses, of persons knowing applicant for two years or more.

Name: Chuck Maravola

Address: 1007 North America Way, Suite 402, Miami, FL 33132

Telephone: 305-374-2374



**2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**

PORT MIAMI

Name: Orlando Pascual

Address: 12709 SW 27 Court, Miramar, FL 33027

Telephone: 305-785-7552

Name: Barbaro Perez

Address: 13508 SW 83 Court, Miami, FL 33015

Telephone: 305-389-0216

8. List all bank business accounts:

Please see attached list of business bank accounts.

9. Education: List the name and address of high school, college, or specialty school attended, with dates of attendance and degrees, if any:

Please see resume attached.



2015 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM

PORT MIAMI

10. List any other information which applicants thinks might be of value to the Miami-Dade County Board of Commissioner's regarding this application:

11/17/14
DATE

Tim Touzet
APPLICANT SIGNATURE

Before me, the undersigned authority, duly authorized to give oaths and take acknowledgments, personally appeared TIMOTHY TOUZET, who being sworn, deposes and says that he is the person who executed the foregoing Application for Stevedoring License, and that the matters and things therein contained are true and correct.

Witness my hand and official seal at EAST BRUNSWICK, NJ Florida; this 17th day of NOVEMBER, 2014.

Susan Aglipay
Notary Public, State of Florida at Large
New Jersey

SUSAN AGLIPAY
NOTARY PUBLIC NEW JERSEY
MY COMMISSION EXPIRES FEB. 6, 2018

My commission expires: _____

(NOTARY SEAL)

4021 Chardonay Dr
Rookledge, Fl 32955

321-506-1616
ttouzet@ceresglobal.com

Timothy D Touzet

Objective

To continue to utilize my leadership, communication, and interpersonal skills, combined with 21 years of Transportation Management experience, in ensuring the efficient movement of vessels as General Manager.

Experience

2014-Present Ceres Marine Terminals Ft. Lauderdale FL

General Manager, Florida Operations

Directly manage the following activities at Port Everglades and Canaveral and oversee them thru on-site managers at Miami and Tampa.

Personnel Hiring & Scheduling

Ship Labor Orders

Labor Relations Issues

Budgets and Financial Reporting

Payroll

Insurance issues, Workers Compensation Injuries & Damage Reporting

Equipment Acquisition & Maintenance

Safety

Vendor Management

Customer Service

2006-2014 Ceres Marine Terminals Canaveral FL

General Manager, Florida Cruise Operations

Direct hiring and supervision of up 95 daily union employees

Management of 380,000 + Union man hour per annum.

Developed the start up operations for Ceres in Miami, Tampa, Port Canaveral, Port Everglades, New Orleans and Houston

Performs all vessel billing in Port Canaveral, send to Nashville for invoicing

Approves all vessel billing before invoices are sent to customers

Reviews monthly Managers Report for accuracy

Performed detailed safety audits on many Ports

Maximize safety protocol in the terminal operations

Developed vessel proformas to maximize profit

Develops yearly Budget for Port Canaveral, Miami, Tampa and Port Everglades

Ensure vessel proformas were maintained and department budget guidelines were met or exceeded.

Ensure adherence to all Federal and Company safety protocols.

Establish Department standards, procedures, reporting tools and forms.

Manage personnel performance including hiring and disciplinary action

Manage payroll, overtime and scheduling for assigned personnel

Manage, plan and implement operations to achieve the highest level of performance

Direct and supervise work assignments in a productive and safe manner.
Ensure efficient and productive customer service and resource utilization

Develop and maintain relationships with internal and external clients, vendors and agencies

2004- 2006

APMT Charleston

Charleston, SC

Marine Yard Supervisor

Direct hiring and supervision of up to 32 daily union employees.

Management of 150 acre CY/CFS facility.

Assisted in yard planning and equipment control.

Ensured safe and efficient import/export cargo handling with minimal vessel turn times.

Worked closely with Yard Operations to maximize vessel productivity and maintain an RKCO gross of 45 moves per hour.

Acted as company liaison with U.S. Customs, USDA, Charleston

Resource Center, and outside trucking firms.

Fulfilled duties of Yard Manager when required.

2000 - 2004

APMT Miami

Miami, FL

Assistant Marine Manager – Marine Operations

Duties include-

Responsible for 10 Direct Reports (all Assistant Marine Stevedores—includes supervision, scheduling and training) 1 Indirect Report (Admin Support)
Direct/Indirect supervision of up to 108 Union employees daily.

Management of 140,000+ union man hours per annum.

Establish Department standards, procedures, reporting tools and forms.

Responsible for coordinating vessel labor orders with AMRCOR and Port of Miami Berthing Office.

Review and coordinate vessel outoffs and load list reconciliations with NAMLINOPSEAS and MIACRCEXP COR.

Post and review Loadstar/Movins prestow files and ensure stowage integrity

Plans and Supervises the operation of vessel operations for Maersk Sealand

Maximize empty evacuation opportunities through continuous dialog with AMREQUGEN and Yard Management.

Perform Sparcs/Express system maintenance and utilize NAVIS Ship Editor.

Assist in post-operational vessel reconciliation with NAMLINOPSEAS and BOMSSCOPSREL.

Provide local OOG/BB vessel ops related handling quotes.

Ensure adherence to all Federal and Company safety protocols.

Catalog and the maintenance of all stevedore lifting gear

Fulfill duties of Marine Manager when required.

1993-2000

R.O. White & Co

Miami, FL

Marine Manager

Responsible for up to 4 Marine Supervisors and 85 Union employees daily.

Conducted pre-operational vessel planning, operational management, and post-operational billing and system updates.

Ensured vessel proformas were maintained and department budget guidelines were met or exceeded.

Provided training to department Marine Supervisors in both operational and system procedures.

Ensured adherence to all Federal and Company safety protocols.

Fulfilled duties of Assistant Department Manager when required.

Education

2009 – Ceres Safety Port Award of the Year

2010 General Stevedore Council Malmö

2008- National Safety Council Certified Lift Truck Instructor

2004 – Journeyman Rigging Course Pelham, AL

2003- TMTC Graduate (Terminal Manager Training Course) Charlotte, NC

1990- Hialeah Miami Lakes Miami, FL



QUESTIONNAIRE

**2015 STEVEDORING BUSINESS LICENSE
QUESTIONNAIRE**

PORTMIAMI

Completed questionnaires must be turned in by 5:00 PM on **December 12, 2014**. Failure to turn in a properly completed questionnaire, along with any other information required by this stevedore license solicitation by such deadline may result in your application being denied.

1. Pursuant to Section 28A-6.3, Code of Miami-Dade County, please report any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, please provide a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. Please provide the name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in section 2-11.1(b)(8), code of Miami-Dade County.

NONE

2. Provide evidence of the applicant's financial strength, including the ability to secure insurance, indemnity and performance bonds.

General Manager Florida Operations-the Ports of Miami, Canaveral, Everglades and Tampa, Ceres Marine Terminals, Inc. which is a subsidiary of Ceres Terminals Incorporated. Ceres Marine Terminals, Inc. is an applicant for a PortMiami stevedore permit. The company will provide insurance, indemnity and a performance bond.

**2015 STEVEDORING BUSINESS LICENSE
QUESTIONNAIRE**

PORTMIAMI

3. Disclose the pendency or entry within the last twenty (20) years of any and all proceedings, judgments, and/or orders of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating officers to conduct a stevedoring business.

NONE

4. Disclose any outstanding fees, taxes, or charges assessed within the last twenty (20) years by Miami-Dade County, including PortMiami, to the applicant and any and all affiliates, principals or operating officers that remain unpaid at present that were required to be written off, or that remained unpaid for a period of more than six months.

NONE

**2015 STEVEDORING BUSINESS LICENSE
QUESTIONNAIRE**

PORTMIAMI

5. Provide details of the stevedoring experiences of the applicant, principals, affiliates, and operating officers, including, but not limited to, (i) experience at PortMiami and (ii) experience with the equipment present at PortMiami.

Please see my resume attached.

6. Pursuant to section 28A-6.5, disclose whether the applicant, the firm on behalf of which the applicant has applied, or any officer, member or shareholder of greater than twenty (20) percent share thereof has within the last ten (10) years (i) been convicted of a felony or (ii) had a finding of guilt entered against him, her, or it (including, but not limited to, a withhold of adjudication).

NO

**2015 STEVEDORING BUSINESS LICENSE
QUESTIONNAIRE**

PORT MIAMI

7. Has the applicant or any of its employees, contractors, or affiliates, in the State of Florida, within the past 5 years, been a party to or subject of any civil, criminal, administrative, or disciplinary proceeding, action, investigation before, or had fines or citations imposed or issued upon or against it by any Federal, or State, local court, administrative, regulatory or licensing agency including, without limitation, OSHA and any environmental agencies, or any other governmental agencies. If yes, please provide details and outcomes, and attach copies of any identified citations and complaints. Attach supplemental pages as needed.

NO

8. Identify any citations or fines issued or imposed by OSHA to applicant (or applicant's stevedoring firm or employer), or any employee or affiliate of applicant, relating to or arising from stevedoring operations at any Florida port or marine facility during the last five (5) years. For each identified citation and fine, please describe the incident giving rise thereto of any accidents or injuries, there from or relating thereto and provide copies of all citations and related inspection or investigative reports and any attachments thereto, any appeal of same, and the final settlement or other disposition of such citations or fines. Attach supplemental pages as needed.

NONE



4021 Chardonay Dr
Rookledge, Fl 32955

321-506-1616
ttouzet@ceresglobal.com

Timothy D Touzet

Objective

To continue to utilize my leadership, communication, and interpersonal skills, combined with 21 years of Transportation Management experience, in ensuring the efficient movement of vessels as General Manager.

Experience

2014-Present Ceres Marine Terminals Ft. Lauderdale FL

General Manager, Florida Operations

Directly manage the following activities at Port Everglades and Canaveral and oversee them thru on-site managers at Miami and Tampa.

- Personnel Hiring & Scheduling
- Ship Labor Orders
- Labor Relations Issues
- Budgets and Financial Reporting
- Payroll
- Insurance Issues, Workers Compensation Injuries & Damage Reporting
- Equipment Acquisition & Maintenance
- Safety
- Vendor Management
- Customer Service

2006-2014 Ceres Marine Terminals Canaveral Fl

General Manager, Florida Cruise Operations

- Direct hiring and supervision of up 95 daily union employees
- Management of 380,000 + Union man hour per annum.
- Developed the start up operations for Ceres in Miami, Tampa, Port Canaveral, Port Everglades, New Orleans and Houston
- Performs all vessel billing in Port Canaveral, send to Nashville for invoicing
- Approves all vessel billing before invoices are sent to customers
- Reviews monthly Managers Report for accuracy
- Performed detailed safety audits on many Ports
- Maximize safety protocol in the terminal operations
- Developed vessel proformas to maximize profit
- Develops yearly Budget for Port Canaveral, Miami, Tampa and Port Everglades
- Ensure vessel proformas were maintained and department budget guidelines were met or exceeded.
- Ensure adherence to all Federal and Company safety protocols.
- Establish Department standards, procedures, reporting tools and forms.
- Manage personnel performance including hiring and disciplinary action
- Manage payroll, overtime and scheduling for assigned personnel

Manage, plan and implement operations to achieve the highest level of performance
Direct and supervise work assignments in a productive and safe manner.
Ensure efficient and productive customer service and resource utilization
Develop and maintain relationships with internal and external clients, vendors and agencies

2004- 2006 APMT Charleston Charleston, SC

Marine Yard Supervisor

Direct hiring and supervision of up to 32 daily union employees.
Management of 150 acre CY/CFS facility.
Assisted in yard planning and equipment control.
Ensured safe and efficient import/export cargo handling with minimal vessel turn times.
Worked closely with Yard Operations to maximize vessel productivity and maintain an RKCO gross of 45 moves per hour.
Acted as company liaison with U.S. Customs, USDA, Charleston Resource Center, and outside trucking firms.
Fulfilled duties of Yard Manager when required.

2000 - 2004 APMT Miami Miami, FL

Assistant Marine Manager – Marine Operations

Duties include-

Responsible for 10 Direct Reports (all Assistant Marine Stevedores—includes supervision, scheduling and training) 1 Indirect Report (Admin Support)
Direct/Indirect supervision of up to 108 Union employees daily.
Management of 140,000+ union man hours per annum.
Establish Department standards, procedures, reporting tools and forms.
Responsible for coordinating vessel labor orders with AMRCOR and Port of Miami Berthing Office.
Review and coordinate vessel cutoffs and load list reconciliations with NAMLINOPSEAS and MIACRCEPCOR.
Post and review Loadstar/Movins prestow files and ensure stowage integrity
Plans and Supervises the operation of vessel operations for Maersk Sealand
Maximize empty evacuation opportunities through continuous dialog with AMREQUGEN and Yard Management.
Perform Spares/Express system maintenance and utilize NAVIS Ship Editor.
Assist in post-operational vessel reconciliation with NAMLINOPSEAS and BOMSSCOPSREL.
Provide local OOG/BB vessel ops related handling quotes.
Ensure adherence to all Federal and Company safety protocols.
Catalog and the maintenance of all stevedore lifting gear
Fulfill duties of Marine Manager when required.

1993-2000

R.O. White & Co

Miami, FL

Marine Manager

Responsible for up to 4 Marine Supervisors and 85 Union employees daily.

Conducted pre-operational vessel planning, operational management, and post-operational billing and system updates.

Ensured vessel proformas were maintained and department budget guidelines were met or exceeded.

Provided training to department Marine Supervisors in both operational and system procedures.

Ensured adherence to all Federal and Company safety protocols.

Fulfilled duties of Assistant Department Manager when required.

Education

2009 – Ceres Safety Port Award of the Year

2010 General Stevedore Council Malmo

2008- National Safety Council Certified Lift Truck Instructor

2004 – Journeyman Rigging Course Pelham, AL

2003- TMTC Graduate (Terminal Manager Training Course) Charlotte, NC

1990- Hialeah Miami Lakes Miami, FL

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PERFORMANCE BOND

Fidelity and Deposit Company

HOME OFFICE OF MARYLAND BALTIMORE, MD. 21203

License and/or Permit Bond

KNOW ALL MEN BY THESE PRESENTS:

That we, Tim Touzet,
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, incorporated under the laws of the State of Maryland, with principal office in Baltimore, Maryland, as Surety, are held and firmly bound unto The Port of Miami, as Obligee, in penal sum of One Thousand Dollars and 00/100 (\$ 1,000.00) Dollars, lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained or is about to obtain from the said Obligee a license or permit for Stevedoring; and the term of said license or permit is as indicated opposite the block checked below:

- Beginning the.....day of....., and ending the.....day of.....
- Continuous, beginning the 4th day of November 2014

WHEREAS, the Principal is required by law to file with The Port of Miami a bond for the above indicated term and conditioned as hereinafter set forth.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden Principal as such licensee or permittee shall indemnify said Obligee against all loss, costs, expenses or damage to it caused by said Principal's non-compliance with or breach of any laws, statutes, ordinances, rules or regulations pertaining to such license or permit issued to the Principal, which said breach or non-compliance shall occur during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that if this bond is for a fixed term, it may be continued by Certificate executed by the Surety hereon; and

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the amount of this bond, and

PROVIDED FURTHER, that if this is a continuous bond and the Surety shall so elect, this bond may be cancelled by the Surety as to subsequent liability by giving thirty (30) days notice in writing to said Obligee.

Signed, sealed and dated the 4th day of November 2014



Tim Touzet
Principal
By [Signature]
Tim Touzet

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By [Signature]
Timothy S. Buhle
Attorney-in-Fact

Bond Number: 09141421

Obligee: The Port of Miami

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by Geoffrey Delisio, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Timothy S. Buhite

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed; any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland, and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 17th day of May, A.D. 2012.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND



By: Gerald F. Haley
Assistant Secretary
Gerald F. Haley

Geoffrey Delisio
Vice President
Geoffrey Delisio

State of Maryland
County of Baltimore

On this 17th day of May, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Geoffrey Delisio, Vice President and Gerald F. Haley, Assistant Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and say, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn
Constance A. Dunn, Notary Public
My Commission Expires: July 14, 2015



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 4th day of November, 2014



Thomas O. McClellan

Thomas O. McClellan, Vice President

MISCELLANEOUS

INVOICE #	INVOICE DATE	REMARKS	VOUCHER	AMOUNT	DISCOUNT	NET AMOUNT
OK121814	12/18/14	T.TOUZET LICENSE FEE	28210819	50,00		50,00
TOTAL						50.00

VOID VOID VOID VOID VOID

Bank of Tokyo-Mitsubishi UFJ 00114151

Ceres Terminals Inc.
565 Marriott Drive Suite 400
Nashville, TN 37214
(615) 232-7000

DATE 12/22/14

FIFTY AND 00/100

AMOUNT *****50.00

PORT OF MIAMI
1015 NORTH AMERICA AVE, 2ND FLOOR
MIAMI, FL 33132-2081

[Signature]
AUTHORIZED SIGNATURE

VOID VOID VOID VOID VOID

60-

Invoice No. 2015- 01583

DATE 12/23/2014

Port of Miami
1015 North America Way, 2nd Floor
Miami, FL 33132-2081
T 305-371-7678 F 305-329-4057
www.miamidade.gov/portofmiami
www.miamidade.gov

INVOICE

BILL TO
TIMOTHY TOUZET 1931 CORDOVA ROAD, SUITE 502 FT. LAUDERDALE, FL 33316-

TARIFF	DESCRIPTION	QUANTITY	UNIT	RATE	AMOUNT
700.04	MISCELLANEOUS REVENUE CHARGE		VAR		50.00
SUB-TOTAL					50.00

TOTAL 50.00

REMARKS:
NEW STEVEDORE LICENSE APPLICATION FEE
DECEMBER 23, 2014

INVOICES ARE PAYABLE UPON RECEIPT ALL INVOICES PAST DUE 30 DAYS OR MORE ARE SUBJECT TO A LATE PAYMENT PENALTY IN ACCORDANCE WITH SECTION 218.01 OF THE PORT OF MIAMI TARIFF. TAKE ADVANTAGE OF OUR MANY SECURE ONLINE PAYMENT CHOICES BY VISITING http://www.miamidade.gov/portofmiami/online_services.asp

Invoice No.
2015- 01583

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PORTMIAMI

Miami-Dade County Seaport Department
Permits Section
1001 North America Way, Suite 115, Miami, FL 33132
(305) 347-4964 Office • (305) 347-4820 Fax

To: Alfredo Ferrer, Major
PortMiami Safety & Security Division

From: Susel Ferrer
Business Permits Supervisor

Date: December 19, 2014

RE: New Stevedoring License Application – Timothy Touzet
Criminal Background Check Request

In accordance with the Miami-Dade County Code, Section 28A-6, please conduct a criminal background check for the following stevedoring license applicant:

Timothy Touzet
General Manager
Ceres Marine Terminals, Inc
1931 Cordova Road, Suite 502
Fort Lauderdale, FL 33316

As indicated in Section 28A-6.4 (a), please report your findings directly to the Director's office with a memorandum indicating whether the applicant has passed or failed the criminal background check. Also, kindly forward copies of your findings to the Permit's Section for our records.

Mr. Touzet's stevedoring application is enclosed for your reference.

Thank you for your prompt attention to this matter.

cc: Ray Mauri, Chief of Business Initiatives
Larry Rogers, Acting Chief of Security

Enclosures

Miami-Dade County Code - Section 28A-6
Timothy Touzet's Stevedoring License Application

62

Sec. 28A-6. Licensing and permits for stevedores.

28A-6.1. Miami-Dade County stevedore licenses. No person shall act as a stevedore within Miami-Dade County, Florida, unless such person is a natural person and has first obtained a stevedore license from the Board after examination. The application for a stevedoring license shall be made by a natural person only and shall be submitted under oath to the Director for consideration by the County Manager. The County Manager shall present the application with his recommendation to the Board. No person shall employ a stevedore to perform services as such within Miami-Dade County, Florida, unless such stevedore is licensed by the Board. The issuance of a Miami-Dade County stevedore license shall not entitle the holder thereof to perform stevedoring services at or with the Port of Miami absent the issuance of a stevedore permit to the licensee or the firm by which the licensee is employed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

28A-6.2. Port of Miami stevedore permits. No person shall act as a stevedore within the Port of Miami without first having obtained a stevedore permit from the Director. The application for a stevedoring permit for the Port of Miami shall be made by a person, including a corporation or partnership, and shall be submitted under oath to the Director. The Director shall not consider an application for a stevedore permit unless the applicant has a stevedore license or employs a natural person so licensed. The Director shall examine the qualifications of the applicant and shall issue the permit only if the criteria established in Section 28A-6 are met. No person shall employ a stevedore to perform stevedoring services within the Port of Miami unless such stevedore has a stevedoring permit and either has a stevedore license or employs a natural person so licensed. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00)

28A-6.3. Application for County stevedore license and Port of Miami stevedore permit.

- (a) Each application for a County stevedore license or Port of Miami stevedore permit shall be filed together with a personal character form furnished by the County Manager or the Director and completed and sworn to by the applicant. If the person applying for a stevedore permit is a corporation or other non-natural person, the personal character form shall be completed by the chief executive officer of the entity on behalf of the entity.
- (b) The applications for the County stevedoring license and the Port of Miami stevedore permit shall require the applicant to report in writing any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of or any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, the application must be accompanied by a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. The name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County, shall be provided by the applicant.
- (c) All stevedore permit holders shall keep all ownership and controlling interest information current over the course of the stevedore permit. A stevedore permit holder shall notify the director in writing, with a copy to the County Manager, of any change in the identity of persons holding a "controlling financial interest" in the permit holder contemporaneously with the occurrence of such change, and state in its notice whether the underlying transaction was approved by the Committee on Foreign Investment in the United States ("CFIUS) pursuant to

50 U.S.co App. SS2170, if applicable, and if so, the date of such approval. The port director shall have the authority to request that a background investigation of such persons be performed by the Miami-Dade Police Department.(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 07-57, § 3, 4-24-07)

28A-6.4. Procedure for obtaining County stevedore license and/or Port of Miami stevedore permit.

- (a) A County stevedore license application may be obtained at the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. The Miami-Dade Police Department shall process the application and return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Director shall forward his recommendations with the application to the County Manager for his consideration pursuant to Section 28A-6.1.
- (b) A Port of Miami stevedore permit application may be obtained from the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. Following processing, the Miami-Dade Police Department shall return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Port Director, in making his determination as to the issuance or denial of the permit, shall, in addition to the criteria set forth in subsection (c) below, make findings as to the need or lack of need for such permit.
- (c) The County Manager and the Seaport Director shall, after examination, issue stevedore licenses and permits, respectively, to competent and trustworthy persons in such numbers as they deem necessary for the efficient operation of the county waterfront and Port of Miami facilities. The criteria for issuance shall, in the case of a permit in addition to the needs determination contained in subsection (b) above, include, but shall not be limited to, the following:
- (1) The physical ability of the port, the waterways, and the Miami River facilities, respectively, to handle the vessel(s), passengers, freight or support services necessary therefor, which may be proposed by the applicant, including plans (if any) approved by the Board for proposed facilities expansion;
 - (2) The total and peak quantities of passengers or freight;
 - (3) The frequency of dockings;
 - (4) Special demands upon or savings to the County;
 - (5) The inability or refusal of license or present permit holders, respectively, to adequately serve new or existing business;
 - (6) The financial strength of the applicant, including the ability to secure insurance, indemnity and performance bonds;
 - (7) The pendency or entry of any proceeding, judgment or order of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating offices to conduct a stevedoring business;
 - (8) The experience of the applicant, its affiliates, principals or operating officers;
 - (9) Efficient operation of the port, having due regard for the business of the port, harbor and channels; and
 - (10) The applicant's work-related safety record over the last five (5) years, including, without limitation, the frequency or severity or both of work-related accidents, injuries or deaths; and citations, judgments, consent decrees, notices of violation or rulings issued by OSHA and other regulatory agencies.

(Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98; Ord. No. 00-29, § 1, 2-24-00;

Ord. No. 08-114, § 1, 10-7-08)

28A-6.5. Denial of County stevedore license or Port of Miami permit.

- (a) A County stevedore license or Port of Miami permit shall be denied to any person or entity required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (l); except in the case of a Grandfathered Applicant, which shall be governed by subsection (b) below.
- (b) A County stevedore license or Port of Miami permit shall be denied to any Grandfathered Applicant required to submit an application in Section 28A-6.3 if the person or entity, or any officer, member, or shareholder of greater than a twenty (20) percent share thereof; (i) has been convicted of a felony within the last ten (10) years or (ii) has had a finding of guilt entered against him, her or it on a felony enumerated in subsection (l); provided, however, that any felony falling within one of the following two categories shall not be considered:
- (A) Any felony conviction or finding of guilt more than five (5) years prior to the effective date of the ordinance from which this section derives; and
- (B) Any felony conviction or finding of guilt less than five (5) years prior to the effective date of the ordinance from which this section derives other than cargo theft; smuggling; possession with intent to sell or distribute, sale, or trafficking of narcotics or other controlled substance; any violent crime committed with a weapon; fraud, misrepresentation, embezzlement, bribery, forgery, false pretenses or any other felony under Chapters 812, 817, 837, or 838, Florida Statutes, or their federal counterparts.

A "Grandfathered Applicant" for purposes of this subsection and subsection (a) above means a person or firm working on the Seaport as of the effective date of the ordinance from which this section derives or who, prior to the effective date of the ordinance from which this section derives, worked on the Seaport. Nothing in this section shall be construed to treat a felony conviction or a finding of guilt of a Grandfathered Applicant occurring subsequent to the effective date of the ordinance from which this section derives any differently than such a conviction or finding of guilt would be treated for an applicant under section (a).

- (c) Any applicant for a County stevedore license or Port of Miami permit denied a license or permit based on subsections (a) or (b) above may appeal the decision to the appeals committee set forth in Section 28A-5.3(h). The Director shall issue a license or permit if the applicant otherwise qualifies and the appeals committee has determined the applicant shall be issued a license or permit. Alternatively, if the appeals committee determines that the applicant shall be denied a license or permit, the Director shall issue the applicant a letter so stating. In either event, the applicant or the Director, as the case may be, shall have available the review procedures of Section 28A-7. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 98-78, § 4, 6-2-98)

28A-6.6. Duration; grounds for suspension or revocation. A Miami-Dade County stevedore license or Port of Miami stevedore permit issued by the Board or Director, respectively, shall expire on January fifteenth annually. Upon expiration, a license or permit may be renewed by the Director when all the applicable requirements and procedures set forth in Sections 28A-6.1 through 28A-6.8 and Port of Miami Tariff No. 010, as amended, have been met. Failure of any person to timely file an application for renewal of a Miami-Dade County stevedore license or a Port of Miami stevedore permit shall cause the same automatically to lapse. In the event that a license or permit lapses, the holder may petition the County Manager or Director, respectively, for reinstatement of such license or permit. For good cause shown, the County Manager or Director, respectively, may reinstate such a license or permit to renewal status. A stevedore license or permit shall be subject to suspension or revocation upon a determination by the Mayor or Designee that the frequency or severity or both of work-

related accidents, injuries or deaths, or citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies, warrants a suspension or revocation. The Mayor or Designee shall provide notice of suspension of [or] revocation to the license or permit holder by certified mail ten (10) days before the license or permit is revoked or suspended. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97; Ord. No. 00-29, § 1, 2-24-00; Ord. No. 08-114, § 1, 10-7-08)

28A-6.7. Transfer of Miami-Dade County stevedore license or Port of Miami stevedore permit.

- (a) No stevedoring licenses or permits shall be transferable except as follows: When a licensee or permittee shall have a bona fide sale of the business which he is so licensed or permitted to conduct, he may obtain a transfer of such license or permit to the purchaser of the said business only if the application of the purchaser shall be approved by the Director and the Board under the same procedures provided for in Sections 28A-6.1 through 28A-6.6.
- (b) Immediately and automatically upon the death of a holder of a stevedore license or permit, the license or permit shall terminate; however, any insurance, bond, covenant, indemnity, guarantee or monetary obligation to Miami-Dade County arising from the stevedore business at or prior to such death shall remain in full force and effect and shall be binding upon the estate, any beneficiary, devisee, heir at law, creditor or personal representative (as those terms are defined in Chapter 731, Florida Statutes, and particularly Section 731.201 [thereof]).
- (c) Where a holder of a Port of Miami stevedore permit is the only permit holder employed with a stevedore firm on the port, but has no "controlling interest" (as defined in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County) in the firm, and the permit holder ceases to hold such permit, then the Director shall give a preference in issuing the next available permit to a natural person who is also employed by said stevedoring firm and who files an application and qualifies pursuant to Sections 28A-6.1 through 28A-6.7. (Ord. No. 78-65, § 1, 10-4-78; Ord. No. 97-161, § 1, 9-23-97)

Annotation—AO 4-50

28A-6.8. Reporting of work-related accidents and injuries and regulatory actions. The holder of a stevedore license or permit shall report to the Director within three (3) days:

- (a) All work-related accidents, injuries and deaths that occur as part of, relate to, are caused by, or arise out of the license or permit holder's operations at the Port of Miami or in Miami-Dade County; and
- (b) All citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies to the license or permit holder whether at the Port of Miami, in Miami-Dade County or elsewhere.

(Ord. No. 08-114, § 2, 10-7-08)

Ferrer, Susel (Seaport)

From: Rogers, Larry (Seaport)
Sent: Monday, December 22, 2014 2:06 PM
To: Ferrer, Susel (Seaport)
Subject: FW: Stevedoring License Application - Background Check Request

This gentleman has no issues.

Is this what you need?

My first time with this.

From: Gonzalez, Rudy J. [<mailto:rjgonzalez@mdpd.com>]
Sent: Monday, December 22, 2014 1:58 PM
To: Rogers, Larry (Seaport)
Subject: FW: Stevedoring License Application - Background Check Request

Larry,

Here you go sir. No past.

Rudy

Rudy J. Gonzalez, Lieutenant
Seaport Operations Bureau

PORT MIAMI

From: Alfonso, Hector J.
Sent: Monday, December 22, 2014 1:10 PM
To: Gonzalez, Rudy J.
Subject: RE: Stevedoring License Application - Background Check Request

eAgent Report

datetime: 2014-12-22T13:04:03-0500 desc: ---- 00002 encrypted: 0 id: 3885257344F4fe

DEV-NBR-HDR

MNE-HDR 513003498

DTE-HDR 20141222

TIME-HDR 1303

MSG-NBR-HDR 00003

--NCIC--

NL01FLS0560033201

FL0136909

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX (
FOR NAM/TOUZET, TIMOTHY, PUR/C.SOC/[REDACTED] SEX/M.RAC/W.DOB/19711023.
IND/Y.EBS/1.

END

--END--

From: Rogers, Larry (Seaport) [mailto:lrogers@miamidade.gov]
Sent: Friday, December 19, 2014 3:10 PM
To: Gonzalez, Rudy J.
Subject: FW: Stevedoring License Application - Background Check Request

Rudy,

Can you initiate this process?

From: Ferrer, Susel (Seaport)
Sent: Friday, December 19, 2014 2:53 PM
To: Ferrer, Alfredo (MDPD); Ferrer, Alfredo (Seaport)
Cc: Mauri, Ray (Seaport); Rogers, Larry (Seaport)
Subject: Stevedoring License Application - Background Check Request

Good afternoon Major,

For your reference, the attached request was sent to your attention via interoffice mail.

A second request for another applicant may be submitted separately. We are waiting for the company to submit the documentation.

Best regards,

Susel Ferrer
Business Permits Supervisor
Seaport, Finance Division
1001 North America Way, Suite 115
Miami, FL 33132
(305) 347-4964 Office
(305) 347-4820 Fax

PORT MIAMI

Think Green. Please only print this e-mail if you need to.

Miami-Dade County is a public entity subject to Florida Statutes Chapter 119, Public Records. E-mail messages are subject to public records disclosure, and with limited exceptions are not exempt from chapter 119.

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eAgent Report

datetime: 2014-12-22T13:05:01-0500 desc: FQI 00003 encrypted: 0 id: 0a4efc5e5d638e2
DEV-NBR-HDR
MNE-HDR 513003498
DTE-HDR 20141222
TIME-HDR 1305
MSG-NBR-HDR 00003
MKE FQI

FQI FL01369Q9TIMOTHY
WML19711023

TOUZET

C--FLORIDA CCH RESPONSE--

QI.NAM/TOUZET,TIMOTHY.RAC/W.SEX/M.DOB/10231971.SOC/[REDACTED].PUR/C
NO CRIMINAL HISTORY RECORD SOC/[REDACTED]
NO CRIMINAL HISTORY RECORD NAM/TOUZET,TIMOTHY

--NCIC--

IL01FLS0560034203
FL01369Q9

NO NCIC WANT SOC/[REDACTED]
NO NCIC WANT NAM/TOUZET,TIMOTHY DOB/19711023 RAC/W SEX/M
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIO

--FCIC HIT RESPONSE--
FQI : NO RECORDS FOUND
--END--

From: Gonzalez, Rudy J.
Sent: Monday, December 22, 2014 1:00 PM
To: Alfonso, Hector J.
Subject: FW: Stevedoring License Application - Background Check Request

Hector

Can you run a triple I on this applicant and forward me the print out? Need it ASAP

Thanks,

Rudy

Rudy J. Gonzalez, Lieutenant
Seaport Operations Bureau

PORTMIAMI

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