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

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2016

Agenda Item No. 3(B)(3)

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

From: Carlos A. Gimenez
Mayor

Subject: Gary Shteyn d/b/a ALS Air, Land and Sea Luxury Transportation & Services, Inc. Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30317

Resolution No. R-9-16

Recommendation
It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30317 from Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc. to Gary Shteyn d/b/a ALS Air, Land and Sea Luxury Transportation & Services, Inc.

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

Fiscal Impact/Funding Source
Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. There is an annual regulatory fee of $625.00 per certificate and $625.00 per vehicle that will yield $1,250.00 in revenue annually for the first vehicle and $625.00 for each additional vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. The County also collects $38.00 per vehicle inspection with frequency varying with the vehicle age from one (1) to four (4) inspections per year.

Track Record/Monitor
The applicant is a new permit holder and is in compliance with all requirements of the Code of Miami-Dade County (Code). Joe Mora, Division Chief within the Department of Regulatory and Economic Resources, will be responsible for monitoring this company.

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

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the public hearing. The Board may

approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc. has filed an application to transfer Passenger Motor Carrier Certificate of Transportation No. 30317 to Gary Shteyn d/b/a ALS Air, Land and Sea Luxury Transportation & Services, Inc. Issued on July 13, 1999, via Resolution R-753-99 (Attachment A), PMC No. 30317 authorizes special operations service. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of Resolution R-753-99, which approved the certificate. Gary Shteyn d/b/a ALS Air, Land and Sea Luxury Transportation & Services, Inc., located at 1455 N. Treasure Drive, #2R, North Bay Village, Florida 33141, seeks to continue providing this class of service by transporting tourist and resident groups to and from various locations throughout Miami-Dade County 24 hours a day, seven days a week. Transportation is required to be pre-arranged at least 24 hours prior to service, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Mr. Gary Shteyn, President of ALS Air, Land and Sea Luxury Transportation & Services, Inc., includes maintenance, communication, and recordkeeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. The application for transfer of PMC Certificate of Transportation was originally submitted in August 2007 and included a notarized Bill of Sale for $30,000.00. Subsequently, the two parties engaged in a legal dispute regarding the transfer of the PMC Certificate. Due to the nature of the transaction and the various issues raised by the parties, this matter was determined in a court of law. On February 23, 2015, the Circuit Court of the 11th Judicial Circuit issued a Declaratory Judgment that Gary Shteyn was entitled to PMC Certificate of Transportation No. 30317 and that Jamal Kamal Hidmi had no further rights to this certificate (Case No. 11-14012-CA-02, Attachment C). However, pursuant to Section 31-103 (m) of the Code, the Board of County Commissioners must determine if such transfer complies with the certification process and is in the public interest and, if so, the Board may approve or modify the terms of such transfer.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

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

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**

_____ **Statement of social equity required**

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

_____ **No committee review**

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

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(3)
1-20-16

RESOLUTION NO. R-9-16

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30317 FROM JAMAL KAMAL HIDMI D/B/A MIAMI'S BEST TOURS & TRANSPORTATION, INC. TO GARY SHTEYN D/B/A ALS AIR, LAND AND SEA LUXURY TRANSPORTATION AND SERVICES, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code of Miami-Dade County, the transfer of Certificate of Transportation No. 30317 from Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc. to Gary Shteyn d/b/a ALS Air, Land and Sea Luxury Transportation and Services, Inc. to provide special operations service as a passenger motor carrier is approved. This class of transportation is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

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	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. 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. GKS

Gerald K. Sanchez

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(S)
7-13-99

ATTACHMENT A

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

RESOLUTION NO. R-753-99

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO JAMAL KAMAL HIDMI D/B/A MIAMI'S BEST TOURS & TRANSPORTATION, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County, as recommended by the County Manager, be issued to Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 1999. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

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

MEMORANDUM Agenda Item No. 4(S)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 13, 1999

SUBJECT: Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 385)

FROM: M. R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the application of Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

BACKGROUND

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

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

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

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

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

ANALYSIS

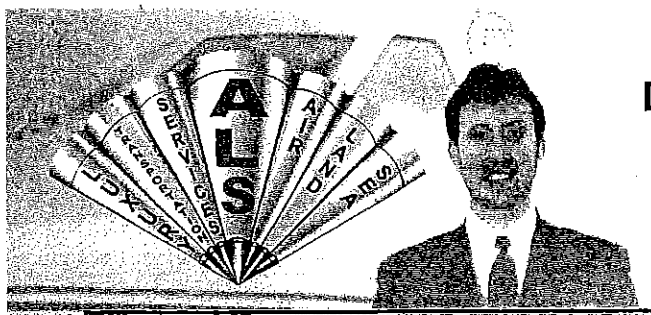
Jamal Kamal Hidmi d/b/a Miami's Best Tours & Transportation, Inc., located at 2699 Collins Avenue, Suite 112, Miami Beach, Florida 33143, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

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

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

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

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



DIVISION OF GARY LIMOUSINE

ATTACHMENT B

QUALITY SERVICE NEVER GOES OUT OF STYLE

VEHICLE TRANSFER RATES	Miami To/From		Ft. Lauderdale To/From		Palm Beach To/From	
Luxury Sedans L (6 in. Stretch) - 3 Passenger	75	85	90	100	185	195
Executive Styled SUV - 6 Passenger	85	95	105	115	225	235
Stretch Limousines - 6-8 Passenger	105	115	120	130	245	255
Ultra Stretch Limousines - 9/15 Passenger	120	130	145	155	265	275
Celebrity Styled SUV - 6 Passenger	85	95	105	115	235	245
Limo VIP Bus - 15/30 Passenger	BY REQUEST ONLY		BY REQUEST ONLY		BY REQUEST ONLY	
Super Stretch SUV - 14/20 Passenger	185	195	230	245	320	330
Mini Bus - (24/32 Passenger	175	185	225	235	305	315
Motor Coach - 49/61 Passenger	265	275	310	320	475	486

ADDITIONAL CHARGES MAY APPLY FOR AIRPORT & SEA PORT

VEHICLE	Customs Flights	Airport Parking maximum $25.00	Miami Airport Fee Each Way	Sea Port Fee (p/u only)
Sedan / Limo / Van	add 10.00	add 4.50 per hour	add 2.50	add 10.00
Mini Bus / Coach	add 20.00	add 4.50 per hour	add 6.00	add 20.00

HOURLY RATES

Luxury Yacht Charters up to 12 pass Price Starts from	250p/hr++	w/bar tender/support staff	300/p/hr++	5 HR MIN
Larger yachts available for up to 120 feet/20 pass-up price starts from	450p/hr++	w/full amenities (cook, server, etc.) *Serious inquiries only please*	500-up	full day only
Luxury Sedans L (6 in. Stretch) - 3 Passenger	55	Mercedes Ultra Sedan	85	3 HR. MIN
Yukon XL - 6 Passenger	65	Mini-Bus 24/32 Passenger	75	4 HR. MIN
Stretch Limousine - 6-8 Passenger 3 hr. min	75	Motor Coach - 49/61 Passenger	90	5 HR. MIN
Ultra Stretch - 9/15 Passenger 3 hr. min	85	Mercedes Limo Van 10/12 Pass	95	3 HR. MIN
Super Stretch SUV - 11/20 Pass. *5 hr. min	145	Limo VIP Bus - 15/30 Passenger	195	5 HR. MIN

Optional V.I.P. Services *** the only limo company in Miami to offer stretch Maybach, Bentley, luxury yachts, jet charters, villa and condo rentals as part of true 5 star, ultra luxury service (additional fee may apply for luxury services). *Millionaire Services:* Fighter Jet Experience* Real Space Travel* Private Island Retreat* Helicopter Service*

NO WAIT AT NIGHT CLUBS & RESTAURANTS. Inclusive for Frequent V.I.P. clients*

Day & Evening Tours / V.I.P. Tours includes Star Island Access

Bodyguard / Security / POLICE LIMO ESCORT	65.00 per hour, 3 hr. min / 75.00 per hour, 4 hr. min
Meet & Greet / VIP support staff / personal assistant for night clubs, restaurants, events, etc.	35.00 per hour, 3 hr. min
Meet & Greet / VIP support staff for individuals or Corporate groups	25.00 per hour, groups 10 or more / 35.00 per hour, 3 hr. min
Personal Support Staff / Security / PRIORITY VIP ENTRY at clubs, special events and restaurants, etc.	85.00 per hr., 4 hr. min / For frequent VIP clients includes: SUV transportation, support staff and/or personal security
Satellite Radio / Satellite TV	Inclusive

20% gratuity and 15% stc/service charges will be added to all transportation and luxury services * damage, nuisance set-up fee may apply* up to 20% discount for participating Partners/Affiliates *hotels & guests/corp accounts/frequent clients* * strict cancellations policy 72 hrs. in advance only (no cancellation during special events weekends, holidays, multi-day jobs).* standard cancellation fee three (3) hrs. min. or depending on specifics of limo job. * no refunds on deposits * rates are subject to change, due to availability & special events.* limited courtesy limo waiting time * after courtesy limo waiting time, hourly fee will apply depending on specifics of limo job * phone conversations may be monitored or recorded for company quality control.

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ATTACHMENT C

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO: 11-14012 CA 02

GARY SHTEYN, individually and,
ALS AIR LAND AND SEA LUXURY
TRANSPORTAION SERVICES INC.,
a Florida Corporation,

Plaintiffs,

vs.

JAMAL HIDMI,

Defendant.
_____/

AGREED ORDER GRANTING PLAINTIFF GARY SHTEYN'S MOTION FOR DECLARATORY JUDGMENT

THIS CAUSE having come to be heard on Plaintiff's Second Amended Complaint and being advised of the agreement of the parties and being otherwise advised in the Premises, it is ORDERED AND ADJUDGED that

Plaintiff Gary Shteyn's Motion for Declaratory Judgment (Count IV) is GRANTED. Plaintiff, Gary Shteyn, is entitled to Miami Dade County Passenger Motor Carrier Certificate Number 30317, and Defendant Jamal Hidmi has no further rights to Miami Dade County Passenger Motor Carrier Certificate Number 30317.

The remaining counts in Plaintiff's Second Amended Complaint are dismissed, with prejudice, and the parties waive any and all claims arising out of the Second Amended Complaint.

The parties shall bear their own costs and fees.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 02/23/15.

MONICA GORDO
CIRCUIT COURT JUDGE

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION NUMBER 12

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Judge's Initials MG

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.