

**FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
PILOTAGE RATE REVIEW COMMITTEE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	4/18/2016
File #	

In re: Application for a Change in Rates of Pilotage, filed by the Florida Caribbean-Cruise Association, and Alternative Application for a Change in Rates of Pilotage for PortMiami, filed by Biscayne Bay Pilots, Inc.

Case No.: PRRC 2014-1

**MOTION AND SUGGESTION TO COMMISSIONER ASSAL
THAT HE DISQUALIFY HIMSELF FROM PILOTAGE RATE PROCEEDINGS
INVOLVING THE FLORIDA-CARIBBEAN CRUISE ASSOCIATION
AND BISCAYNE BAY PILOTS**

Pursuant to section 120.665, Florida Statutes, and rule 28-106.204, Florida Administrative Code, Biscayne Bay Pilots, Inc. (“BBP” or “Biscayne Bay Pilots”) files this Motion and Suggestion to Commissioner Sherif Assal that he Disqualify Himself from Pilotage Rate Proceedings Involving the Florida-Caribbean Cruise Association (“FCCA”) and Biscayne Bay Pilots. In support of its Motion, BBP states:

1. Commissioner Assal is a “Platinum Member” of FCCA, which has filed an Application for a Change in Rates of Pilotage with the Pilotage Rate Review Committee (“PRRC”). FCCA’s application seeks a 25 percent reduction in the rates of pilotage for cruise ships in PortMiami. The public hearing on FCCA’s application is scheduled for June 1-3, 2016, and will be heard in conjunction with an alternative application filed by BBP for an increase in the rates of pilotage.

2. According to information submitted to the Governor’s Office by Commissioner Assal when he applied to serve on the Board of Pilot Commissioners (“BOPC”), he has served as a “Platinum Member” of FCCA since 2004. See **Exhibit A**, p. 7 (Questionnaire for Gubernatorial

Appointments, signed under oath by Commissioner Assal on November 16, 2016). Platinum Membership in the FCCA costs \$25,000 annually and “cultivates close relationships with FCCA Member Line CEOs, presidents and executives . . .” See **Exhibit B** (excerpt from FCCA’s website concerning its Platinum Associate Membership Program). “Platinum Members gain direct access to the cruise industry.” *Id.*¹

3. This request to Commissioner Assal is governed by the First District Court of Appeal’s recent opinions in *Biscayne Bay Pilots, Inc. v. Florida Caribbean-Cruise Ass’n*, 160 So. 3d 559 (Fla. 1st DCA 2105) (*Biscayne Bay Pilots I*), *Port Everglades Pilots Ass’n v. Florida Caribbean Cruise Ass’n*, 170 So. 3d 952 (Fla. 1st DCA 2015), and *Biscayne Bay Pilots, Inc. v. Florida Caribbean Cruise Ass’n*, 177 So. 3d 1043 (Fla. 2015) (*Biscayne Bay Pilots II*). In the latter two cases, the Court granted petitions for a writ of prohibition filed by the Port Everglades Pilots Association (“PEPA”) and by BBP and held that former Commissioners Burke and Miguez should have disqualified themselves from hearing FCCA’s request for rate decreases in Port Everglades and in PortMiami. The Court found the pilot associations had a reasonable fear that they would not obtain a fair and impartial hearing because the Commissioners were employed by members of FCCA, who were “the *de facto* parties that initiated the proceeding and whose rate change application is awaiting the Commissioners’ decision.” *Biscayne Bay Pilots II*, 177 So. 3d at 1045, quoting *Port Everglades Pilots*, 170 So. 3d at 956-57.²

¹ Commissioner Assal is employed by United Stevedoring of America, Inc., where he has served as President since 2013, and by American Guard Services, Inc., where he has served as Senior Vice President since 1997. **Exhibit A**, p. 4. United Stevedoring of America provides terminal management, stevedoring, agency, and ground services to the cruise industry. See **Exhibit C** (website excerpt). American Guard Services provides security services to the cruise ship industry, among others. See **Exhibit D** (website excerpt).

² *Biscayne Bay Pilots I* denied BBP’s petition for writ of prohibition without prejudice because the Order denying the motion for disqualification was entered by the PRRC as opposed to

4. The Court in these cases, as well as in *Biscayne Bay Pilots I*, also confirmed the test for legal sufficiency of a motion to disqualify an agency head (or member thereof) that is filed pursuant to section 120.665, Florida Statutes. As stated by the Court in *Biscayne Bay Pilots I*, the test is:

whether the facts alleged would prompt a reasonably prudent person to fear that they would not obtain a fair and impartial hearing. It is not a question of how the [agency head] actually feels, but what feeling resides in the movant's mind and the basis for such feeling. The [agency head] may not pass on the truth of the allegations of fact, and countervailing evidence is not admissible.

160 So. 3d at 562 n.5, quoting *Charlotte Cnty. v. IMC-Phosphates Co.*, 824 So. 2d 298, 300 (Fla. 5th DCA 2002).

5. The Court in *Port Everglades Pilots* also noted the opinion in *IMC-Phosphates* states that “an impartial decision-maker is a basic component of minimum due process in an administrative proceeding” and that “in any motion to recuse the head of an administrative agency, the practical recognition of the numerous roles played by the agency as well as the agency head (investigator, prosecutor, adjudicator, and political spokesman) must be weighed against a reasonable fear on the part of the movant that it will not receive a fair and impartial hearing.” 170 So. 3d at 955, quoting *IMC-Phosphates*, 824 So. 2d at 300.

6. The Court in *Port Everglades* also cited several other cases emphasizing the importance of a fair proceeding and that “the decisionmaker must not allow one side in the dispute to have a special advantage in influencing the decision.” 170 So. 2d at 956, quoting *Cherry Communications v. Deason*, 652 So. 2d 803, 805 (Fla. 1995). The Court granted PEPA's petition for writ of prohibition, quashed the orders of Commissioners Burke and Miguez denying the

by Commissioners Burke and Miguez themselves. The Court determined that only the individual Commissioners could rule on a motion to disqualify filed pursuant to section 120.665. 160 So. 3d at 564.

motion for disqualification, and remanded with directions that the motion be granted. 170 So. 2d at 957.

7. The Court in *Biscayne Bay Pilots II* relied on both *Biscayne Bay Pilots I* and on *Port Everglades Pilots* to grant BBP's petition for writ of prohibition and quash the orders of Commissioners Burke and Miguez denying the motion for disqualification. The Court reasoned: "BBP's motion for disqualification should have been granted because a reasonably prudent person would fear that he or she would not obtain a fair and impartial proceeding before Committee members who are senior executives of the *de facto* parties that initiated the proceeding and whose rate change application is awaiting the Commissioners' decision." *Biscayne Bay Pilots II*, 177 So. 3d at 1045, quoting *Port Everglades Pilots*, 170 So. 3d at 956-57.

8. Section 120.665, the statute under which BBP seeks Commissioner Assal's disqualification, is part of Chapter 120, Florida Statutes, the Administrative Procedure Act ("APA"). It explicitly recognizes that even when the Code of Ethics does not require a public officer to refrain from participating in a particular proceeding, there are times when an "agency head," or a member thereof, should nonetheless be disqualified because of "bias, prejudice, or interest." Section 120.665(1) provides:

Notwithstanding the provisions of s. 112.3143, any individual serving alone or with others as an agency head may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding. If the disqualified individual was appointed, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute.

(Emphasis supplied).³

9. “Agency Head” is defined as “the person or collegial body in a department or other government unit statutorily responsible for final agency action.” § 120.52(3), Fla. Stat. The Pilotage Rate Review Committee is responsible for final agency action regarding rates. *See* § 310.151(4)(a), Fla. Stat. (“If the committee concludes that the petitioner has not raised a disputed issue of material fact and does not designate the petition for hearing, that decision shall be considered final agency action for purposes of s. 120.68.”). *See also* § 310.151(7), Fla. Stat. (“The decisions of the committee regarding rates are not appealable to the board.”). Thus, the PRRC is an “Agency Head” subject to section 120.665.

10. As the party seeking disqualification of Commissioner Assal, BBP is required to demonstrate “just cause” why he should disqualify himself. *See Bay Bank & Trust Co. v. Lewis*, 634 So. 2d 672, 678 (Fla. 1st DCA 1994).

11. As recently affirmed by the First District Court of Appeal in the *Biscayne Bay Pilots* and *Port Everglades Pilots* cases and as discussed above, the standard for showing bias or prejudice pursuant to section 120.665 is “whether the facts alleged would prompt a reasonably prudent person to fear that they will not obtain a fair and impartial hearing.” *Charlotte Cnty. v. IMC-Phosphates Co.*, 824 So. 2d 298 (Fla. 5th DCA 2002). The test is not how Commissioner Assal actually feels about whether he can be fair, but how the Biscayne Bay Pilots feel and the factual basis for those feelings. *Id.*

³ Section 310.151(1)(c), which governs the Committee and its consideration of changes in pilotage rates, references section 112.3143, which is part of the Florida Code of Ethics for public officials. Section 310.151(1)(c) provides: “Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in special private gain or loss as described in that subsection.”

12. As disclosed in his application for membership on the BOPC, Commissioner Assal has been a Platinum Member of FCCA for 12 years. Like Commissioners Burke and Miguez, his membership in FCCA means that he is the “de facto applicant” that is seeking the rate decrease in PortMiami. Commissioner Assal also described his close ties with the cruise ship industry in his application questionnaire as follows:

Over the past 18 years I have been intimately involved with the international cruise industry operating from all major ports in the state of Florida as well as ports throughout the United States. My companies provide maritime security services, stevedoring services, and more recently, security technology products and services to virtually all cruise lines frequenting the ports. The success of the overall business and the continued growth and sustainability of the maritime trade in the Florida ports is of critical importance to my businesses.

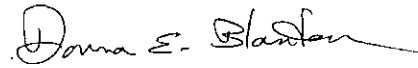
Exhibit A, p. 4.

13. The Biscayne Bay Pilots believe Commissioner Assal’s membership in FCCA means that BBP will not receive a fair hearing from him in connection with the June 1-3 consolidated proceedings on FCCA’s rate decrease application and BBP’s alternative application. His membership in FCCA means that he, like Commissioners Miguez and Burke, is the applicant itself, and it is unreasonable to expect that he would vote against the very organization in which he has paid hundreds of thousands of dollars to serve as a Platinum Member for the last 12 years.

14. Importantly, BBP does not seek Commissioner Assal’s disqualification because he associated with the maritime industry. Section 310.151 contemplates that two members of the PRRC may come from that industry. Rather, it is his Platinum Membership in the Applicant itself, FCCA, which demonstrates bias, prejudice, or interest. *Port Everglades Pilots; Biscayne Bay Pilots II*. No reasonable person would expect Commissioner Assal to vote against FCCA, given his lengthy membership in the association and his financial investment in the organization. Thus, BBP has a well-founded fear that it will not receive a fair and impartial hearing on June 1-3.

For the reasons expressed, BBP respectfully requests that Commissioner Assal disqualify himself from participating in the pending rate proceedings involving both FCCA and BBP.

Respectfully submitted,



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rpeltzlaw@gmail.com
COUNSEL FOR BISCAYNE BAY
PILOTS, INC.

CERTIFICATE OF SERVICE

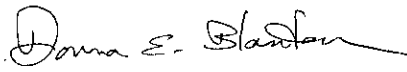
I certify that a true copy of the foregoing was served this 18th day of April, 2016, via electronic mail unless otherwise noted on the following:

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tpanza@panzamaurer.com
Counsel for Petitioner Florida Caribbean-
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Service via electronic mail and U.S. Mail.

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Thomas Campbell
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Donna E. Blanton

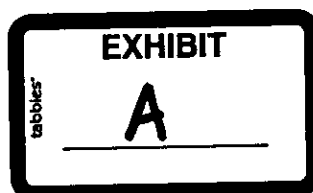
QUESTIONNAIRE

for

GUBERNATORIAL APPOINTMENTS



Please Return To:
400 South Monroe Street
Capitol Building, Suite LL-09
Tallahassee, Florida 32399



FOR THE GOVERNOR'S APPOINTMENTS OFFICE

The information from this page has been requested and will be used exclusively by the GOVERNOR'S OFFICE.
Please type or use black ink.

1. Board of Interest: The Board of Pilot Commissioners
2. Seat of Interest: _____
3. Current Employer and Occupation: American Guard Services Sr VP, United Stevedoring of America President
4. Are you applying for reappointment: Yes No
5. *Do you have a disability? Yes No If "Yes", please describe your disability that would qualify you for this appointment, if applicable.
6. *Sex: Male Female
7. *Race: White Native-American/Alaskan Native
Hispanic-American Asian/Pacific Islander
African-American
8. Are you now, or in the past three years have you been, a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor. If yes, please describe. Yes No

Email address sherif@americanguardservices.com

Cellular Telephone Number 310-466-8032

Sherif M. Assal

Applicant's Name, including name
commonly used (Please print)

- * This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis.

QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

1. Name: Mr. Assal Sheriff Date Completed Mohamed

MR./MRS./MS./DR. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 1015 N. America Way, #108

STREET OFFICE # CITY

Florida 33132 305-373-7111

POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 12987 S.W. 28th Court Miramar Broward

STREET CITY COUNTY

Florida 33027 310-466-8032

POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # _____

(optional)

4. A. List all your places of residence for the last ten (10) years.

ADDRESS	CITY & STATE	FROM	TO
12987 S.W. 28th Court, Miramar, FL		Jan 2015	Present
3101 Gardenia Lane, Yorba Linda, CA		2004	2014

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
3101 Gardenia Lane	Yorba Linda, CA.	2004	2014
12421 Beatrice Street	Los Angeles, CA.	1993	2003

5. Date of Birth: 08-23-1962 Place of Birth: Cairo, Egypt

6. Social Security Number: S. 119.071(5)(a) F.S.

7. Driver License Number: C1389068 Issuing State: CA

Gubernatorial Appointment Questionnaire

Sherif M. Assal

(#7 Continued)

My current primary residence is in the State of Florida, however, my previous primary address was in the State of California. My children are currently enrolled in schools, and it is important for my wife and I that they completely finish their current school programs before relocating to Florida as well and to continue their education. I have not changed my California driver's license to a Florida driver's license for this reason, but I am in the process of making this change.

8. Have you ever used or been known by any other legal name? Yes No If "Yes," list and explain.

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? Have been going back & forth, CA to FL since 1997.

11. Are you a registered Florida voter? Yes No If "Yes" list:
A. County of registration: Broward B. Current party affiliation: Republican

12. Education
A. High School: Venice High School, Venice CA. Year Graduated: 1981
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<small>NAME & LOCATION</small>	<small>DATES ATTENDED</small>	<small>CERTIFICATES/DEGREES RECEIVED</small>
<u>None</u>		

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:
A. Dates of service: _____
B. Branch or component: _____
C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

<small>DATE</small>	<small>PLACE</small>	<small>NATURE</small>	<small>DISPOSITION</small>
<u>No.</u>			

15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
American Guard Services, Inc	Security Services	Sr Vice President	1997 - current
United Stevedoring of America Inc	Security Services	President	Aug 2012-current

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
 Over the past 18 years I have been intimately involved with the international cruise industry operating from all major ports in the state of Florida as well as ports throughout the United States. My companies provide maritime security services, stevedoring services, and more recently, security technology products and services to virtually all cruise lines frequenting the ports. The success of the overall business and the continued growth and sustainability of the maritime trade in the Florida ports is of critical importance to my businesses.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

International Police & Public Safety 9/11 Presidents Award, from InterPort Police

Employer Support of the Guard & Reserve, from Dept of the Defense

D. Identify all association memberships and association offices held by you that relate to this appointment:

Florida Caribbean Cruise Association	Platinum Member
Cruise Lines International Association	Diamond Member

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE TITLE & NUMBER</u>	<u>ORIGINAL ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION DATE</u>
(AGS) MB9900189	10-20-02	FL DACS	
(AGS) BB2300048/PEV		FL DACS	
(AGS) BB2500034/Cape	10-2005	FL DACS	
(AGS) BB1100044/Tampa	3-9-2012	FL DACS	

- See attached for 3 more United Stevedoring licenses -

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS RELATIONSHIP TO AGENCY</u>
American Guard & United Stevedoring	SrVP & President	Port franchise tenant at POM
American Guard & United Stevedoring	SrVP & President	Port franchise tenant at PEV
American Guard Services	Sr Vice President	Port franchise tenant at Port Cape Canaveral
American Guard Services	Sr Vice President	Port franchise tenant at Port Tampa

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS RELATIONSHIP TO AGENCY</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>

Gubernatorial Appointment Questionnaire

Sherif M. Assal

(#24 Continued)

United Stevedoring	License 2014-18	Issued 2013	Miami-Dade County
United Stevedoring	Permit 01-95	Issued Jan 2013	Canaveral Port Authority
United Stevedoring	License 195153	Issued Jun 2015	Tampa Port Authority

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
Danny Ball	1015 N. America Way, #108, Miami FL	33132	305-282-6779
Matthew Lewis	7665 Corporate Ctr Dr., Miami FL	33126	305-436-4450
Dominick Froio	3655 N.W. 87th Ave. Doral FL	33178	305-599-2600

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
FCCA	11200 Pines Blvd., Ste 201, Pembroke Pines FL	Platinum member	2004-current
ASIS	1625 Prince St, Alexandria, VA.	Member	2005-current
CLIA	910 S.E. 17th St., #400, Ft Lauderdale FL	Member, <i>Command</i>	2004-current
MSC	P.O. Box 472627, Charlotte, N.C.	Member	2004
ICSC	1221 Ave of the Americas, N.Y., NY	Member	2013
PEA	1850 Eller Drive, Ste 405, Ft Lauderdale	Member	2005

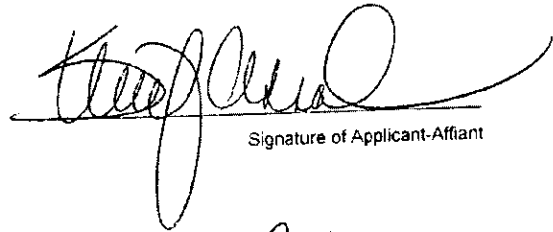
29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

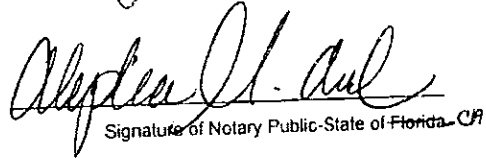
CERTIFICATION

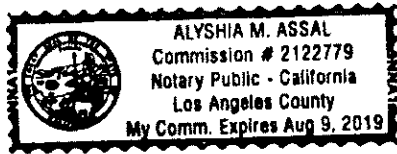
STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of CA, personally appeared Cherif Assal, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.


Signature of Applicant-Affiant

Sworn to and subscribed before me
this 16th day of November, 2015.


Signature of Notary Public - State of Florida - CA



Aug. 9, 2019, Alyshia M. Assal
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Aug. 9, 2019

Personally Known OR Produced Identification
Type of Identification Produced CA DL C1389068

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0158



**FLORIDA-
CARIBBEAN
CRUISE
ASSOCIATION**



- ▶ About The FCCA
- ▶ Member Cruise Lines
- ▶ Staff Profiles
- ▶ Events & Happenings
- ▶ Associate Membership
- ▶ Publications
- ▶ Training & Outreach Program
- ▶ Research & Statistics
- ▶ Charitable Foundation
- ▶ Cruise Industry Partners
- ▶ Press & Media
- ▶ Advertising
- ▶ Cruise Industry Links
- ▶ FCCA Exclusive Offers

FCCA Associate Membership Program

Reaffirming the mandate of the Florida-Caribbean Cruise Association's Member Lines to increase the proactive collaboration between the cruise industry and cruise tourism partners, organizations are invited to join the FCCA's Associate Membership Program, which offers two membership categories:

ASSOCIATE MEMBERSHIP PROGRAM BENEFITS INCLUDE (\$500 yearly):

The FCCA Associate Membership Program is designed as a partnership to help promote a business to the cruise industry at a great value. For only \$500 per year (about \$42 a month), it includes the following benefits:

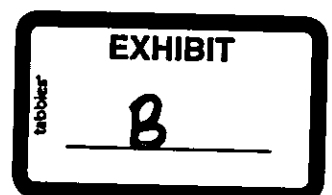
- Exclusive Associate Member reception at the FCCA Conference and Trade Show
- Exclusive VIP tour during the FCCA Conference and Trade Show
- Upgraded FCCA membership badge at the FCCA Cruise Conference & Trade Show
- Savings on registration fees for the annual FCCA Cruise Conference & Trade Show
- \$500 discount on advertising for first year of membership
- Discount on Tour Guide Excellence training and exclusivity on ACE Tour Operator Designation from Aquila's Center for Cruise Excellence
- Discount on insurance program for tour operators through AON Risk Services
- Discount on the FCCA Emergency Card Program through Trinity Air Ambulance
- Access to up-to-date research and statistical studies (customized to your destination if requested)
- Promotional updates on the cruise industry (current e-mail required)
- Listing/profile in the FCCA Membership Directory
- Listing in the Conference issue of FCCA's Cruising Magazine
- Associate Member FCCA pin
- Membership certificate
- Use of Associate Member FCCA logo on printed materials and cruise line proposals



PLATINUM ASSOCIATE MEMBERSHIP PROGRAM (\$25,000 yearly)

Platinum Membership cultivates close relationships with FCCA Member Line CEOs, presidents and executives that decide what products are sold onboard and where ships call. For the price of some publications' advertising, Platinum Members gain direct access to the cruise industry. In addition to the benefits above, Platinum Membership includes:

- One complimentary cabin for the annual FCCA PAMAC Cruise Summit
- One complimentary cabin for inaugural cruise events
- One complimentary hotel room for the annual PAMAC Conference
- One complimentary registration for the FCCA Gala
- One complimentary registration for the FCCA Conference and Trade Show
- Exclusive one-on-one meetings during the FCCA Conference and Trade Show
- Exclusive receptions during the FCCA Conference and Trade Show
- Private lunch meeting at the FCCA Conference and Trade Show
- Preferred VIP seating at the FCCA Conference Opening
- Exclusive VIP receptions at the FCCA booth during Cruise Shipping Miami
- Exclusive VIP events during Cruise Shipping Miami
- Access to FCCA Operations Committee meetings
- Chance to speak/present at FCCA panels and workshops
- Assistance setting meetings
- Company profile and updates in the FCCA's Cruising Magazine
- Platinum listing in the FCCA Membership Directory



- Advertising and marketing discounts
- Membership in the FCCA Urgent Care Program through Trinity Air Ambulance
- Seat on FCCA's Platinum Associate Membership Advisory Council (PAMAC)
- Platinum Membership plaque/clock

As cruise tourism positively impacts your business, Associate Membership is important for you to enhance and actualize that impact. There is no better time than now to partake in a partnership between your organization and the cruise industry.



Click below to access online membership application form.

Membership Application Form

Applications for membership or renewal of membership shall be submitted to the FCCA. In the case of any applicant whose character, reputation or conduct might make him an undesirable member, the FCCA shall refer the application to the Executive Committee for review; in all other cases, the FCCA shall have the authority to grant membership or cancel membership at anytime. In the case a members membership is cancelled, the dues will pro-rated back on a monthly bases. The FCCA has the right to refuse or cancel any membership without cause or reason.



(http://unitedstevedoring.com)

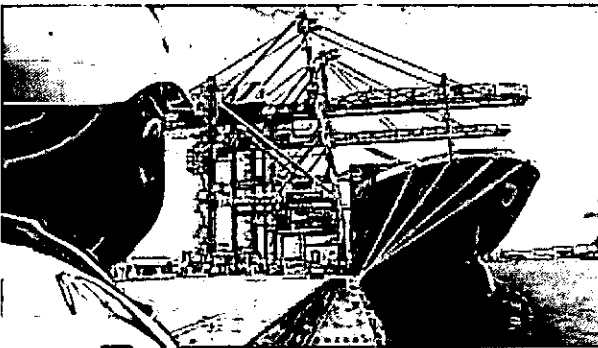


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Search

CRUISE SHIP OPERATIONS



(http://unitedstevedoring.com/wp-content/uploads/2013/10/cargo2.png) United Stevedoring of America, Inc. strives to set the bar for service to the cruise industry. We offer our customers a "Total Package of Services" which include terminal management, stevedoring, agency, and ground services.

U.S.A. provides cruise services in U.S. Ports on the east coast, we welcome cruise guests from all over the world and can accommodate the needs of hundreds of cruise

ships. We are committed to the delivery of memorable cruise experiences, starting and ending in our terminals.

OUR AGENCY:

United Stevedoring of America offers vessel agency services designed to promote a partnership with our customers. We are committed to offering services that support the needs of each vessel while in port, in accordance with the best maritime practices and current port regulations. We meticulously oversee every aspect of a ship's call and ensure no detail is overlooked.

OUR AGENCY SERVICES INCLUDE

- ☑ Arranging ship's clearance



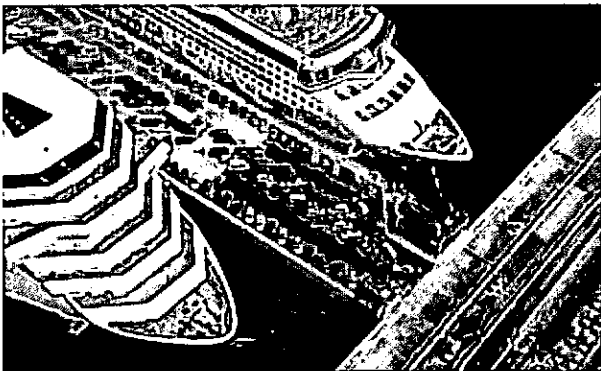
- ✔ Ordering of pilots, tugs, line handlers and stevedores
- ✔ Arranging for customs processing of bonded material and freight forwarding
- ✔ Coordinate all required dry-docking related services

STEVEDORE SERVICES

Stevedoring is one of our core strengths. We have state-of-the-art equipment and the refined planning matrices to manage each aspect of passenger flow, stores handling and technical support required by modern cruise ships. Our dedication, experience and efficiency have resulted in consistent, on-time departures.

CRUISE TERMINAL MANAGEMENT

United Stevedoring of America is a cruise terminal operator. Our clean and efficient terminals are serviced by highly-trained longshoremen who understand how to work efficiently while also offering customer service. We are accustomed to welcoming thousands of cruise guests and managing their arrival, check-in and departure through our terminals effectively and safely. We have the resources to offer an immediate response to service requests from the cruise ships docked at our terminals.



(<http://unitedstevedoring.com/wp-content/uploads/2013/10/cruise-operations-united-stevedoring-of-america-inc.jpg>) We are accustomed to welcoming cruise ships and managing their arrival, check-in and departure through our terminals effectively and safely. Our dedication, experience and efficiency have resulted in consistent, on-time departures. U.S.A. Cruise Ship Operations have the resources to offer an immediate response to service requests from the cruise ships docked at our ports.

We have state-of-the-art equipment for stevedoring and refined planning matrices to manage each aspect of passenger flow, stores handling and technical support required by modern cruise ships.

CLIENTS

ABOUT UNITED STEVEDORING

United Stevedoring of America is recognized as a cruise industry leader in providing stevedore services and terminal operator services for handling bulk cargo for different cruise lines.

Our focus and proven track record reflects a long history of providing the management, engineering, operational resources and expertise to work in a competitive environment to meet demanding safety, environmental and quality standards.

CLIENTS

NEWS

New review confirms homeschoolers outperform public schoolers and unschoolers
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🕒 March 9, 2016 (<http://unitedstevedoring.com/new-review-confirms-homeschoolers-outperform-2/>)

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The Top Apps for Creating a Research Report (<http://unitedstevedoring.com/the-top-apps-for-creating-a-research-report/>)

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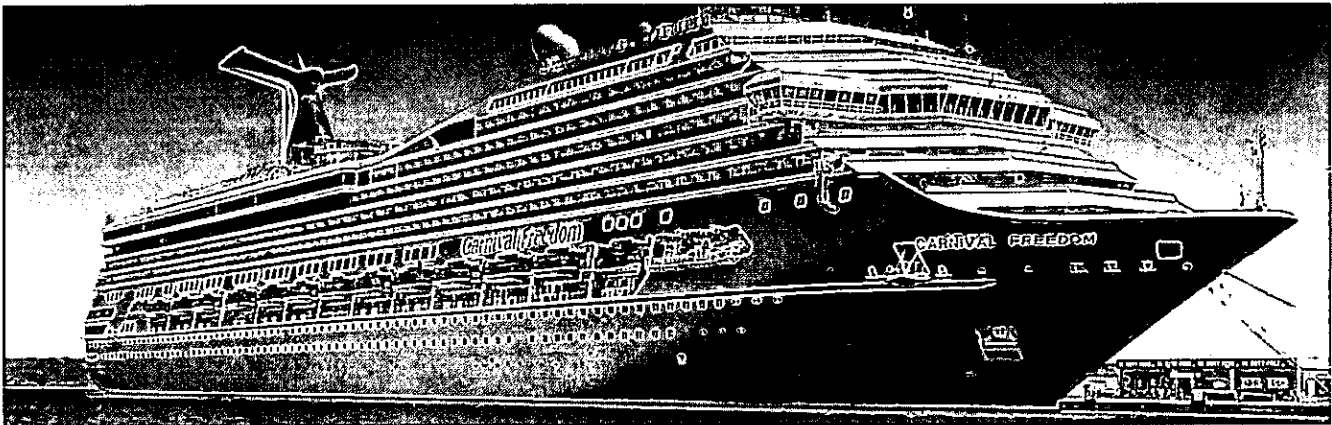
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(<http://www.americanguardservices.com>)

 1-800-662-7372 (tel:+18006627372)



Cruise Ship Security

American Guard Services, inc. offers a broad range of on-board and shore-side maritime security services to port maritime and cruise line clients, all based on rigorous training and deep knowledge of this unique environment. Key to these activities is the partnership with our clients and the training of client staff to form an integral part of the assets protection team.

Access Control, Screening and Compliance with Federal and International Regulations

From the Maritime Transportation and Security Act (MTSA) and International Ship and Port Facility Security (ISPS) Code to piracy threats and health and environmental concerns, American Guard Services, inc. officers have the training, knowledge and skills required to meet the cruise ship security needs of the industry.

Maritime security requires a variety of specific services related to access control, screening, compliance with federal and international regulations, and incident response and reporting. American Guard Services, Inc. Maritime Security Service delivers a full range of services to meet the specific needs of the maritime industry.

Key services provided

- **Oil and Gas Industry**
- **Cruise Liners and Super Yachts**
- **Maritime Security Plan, Surveys and Audits**
- **Maritime Suppression Seminars / Training**
- **High Risk Environment Protection**
- **Armed Force Protection Personnel**
- **Training Assistance Packages**

Our clients value both their privacy and safety. AGS ensures that this is done in a professional manner. At AGS we ensure that our clients receive a dedicated team who are both discreet and non intrusive. The moment we receive the intent from our client our planning team is activated. All relevant intelligence data is collected and carefully outlined thus forming the basis of our operating plans.

A rigorous training and certification program ensures that American Guard Services, inc. security personnel meet the highest standards of the industry. We have completed numerous Ship Security Surveys/ Plans and Port Facility Security Surveys far beyond the normal required standard for regulations. Critical data collection and a close and cordial working relationship with the ships company personnel are important ingredients to successful surveys. Our consultants are have been in the industry for decades and have an incredible amount of knowledge and experience in both maritime and security

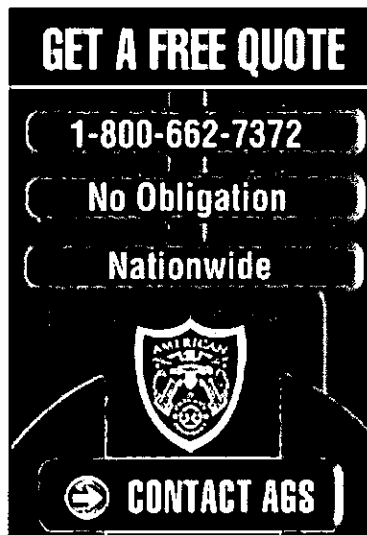
operations.

Training, Certification and Processes are based on Regulations Specific to the Cruise Ship Security Industry

American Guard Services, inc. provides screening of personnel as well as training specific to the control center environment. Officers undergo command center training that focuses on advance planning, preparation for all contingencies, and effective communication to ensure a high level of awareness throughout the entire facility or vessel. All training, certification and processes are based on regulations and standards specific to the maritime industry.

Maritime clients benefit from unparalleled management support. American Guard Services, inc. has local, on-the ground executive leadership near every client port, as well as 24x7 client support centers on both east and west coasts.

Our Clients



(<http://www.americanguardservices.com/security-guard-services-pricing/>)

Industries We Serve

- ▶ Cruise Ship Security (<http://www.americanguardservices.com/industries/cruise-ship-security/>)

- ▶ Government Facilities (<http://www.americanguardservices.com/industries/government-facilities/>)

- ▶ Campus Safety (<http://www.americanguardservices.com/industries/campus-safety/>)

- ▶ Commercial Security (<http://www.americanguardservices.com/industries/commercial-security/>)

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Security Services

- ▶ Uniformed Security Officers (<http://www.americanguardservices.com/security-services/uniformed->

security-officers/)

▶ Maritime Operations (<http://www.americanguardservices.com/security-services/maritime-operations/>)

▶ Mobile Patrol (<http://www.americanguardservices.com/security-services/mobile-patrol/>)

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Resource Center

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