

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

DEPARTMENT OF HIGHWAY SAFETY AND
MOTOR VEHICLES,

Petitioner,

vs.

MIAMI DRIVING & TRAFFIC SCHOOL INC.,

Respondent.

_____ /

HSMV Case No.: MS-20-368

DOAH Case No.: 20-4417

FINAL ORDER NO. : FLHSMV 2021

HSMV-21-0023-FOI-MS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FINAL ORDER

This matter comes before the Department of Highway Safety and Motor Vehicles for entry of a final order upon submission of a Recommended Order filed January 13, 2021, by Hearing Officer Kathryn Bischoff. Upon review of the Recommended Order, which is attached and incorporated by reference, and the record in the above-styled cause, and being fully advised in the premises,

It is **ORDERED** that the Department adopts the Recommended Order as its final order in this matter.

1. On April 9, 2018, Respondent entered a contract with the Department to perform knowledge examinations on the Department’s behalf. Moreover, on October 28, 2018, Respondent entered into a contract with the Department to perform driving skills examinations on the Department’s behalf. On February 4, 2020, Respondent signed an addendum to the knowledge examination contract, which addendum states in pertinent part that, if the Department determines the Third Party Administrator has engaged in any fraudulent activity, the Department has the authority to terminate all Third Party Class E Testing Agreements between the Department and the Third Party Administrator, regardless of whether the fraudulent activity is related to any such agreement or not.

2. Hearing Officer Bischoff stated as part of her findings that Respondent had violated Section VII, paragraph D.2., of the driving skills examination contract, which states the following:

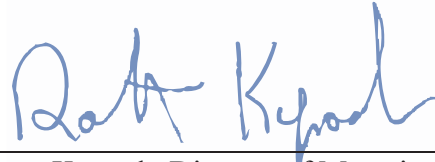
D. The Department reserves the right to terminate this agreement upon determining the Third Party Administrator or Third Party Examiner in the employ of a Third Party Administrator fails to comply with the terms of this contract, including:

2. Administering Class E Driving Skills Exams honestly and without false statement, without obtaining or assisting a person in obtaining any driver license through fraudulent means or by misrepresentation, to include falsification of course completions that are required to obtain or reinstate driver license privilege;....

3. Respondent violated these provisions of the contract by uploading a passing result for customers on June 24, 2020, when there were no approved driving examiners at its site. As a result of this fraudulent activity, Respondent's driving skills and knowledge examination contracts with the Department are **TERMINATED**.

It is further ordered that the case is **CLOSED**.

DONE AND ORDERED this 27th day of January, 2021, at Tallahassee, Leon County, Florida.



Robert Kynoch, Director of Motorist Services
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, Florida 32399

FILED FLHSMV AGENCY CLERK
JAN 27 2021
MS-20-368

COPIES FURNISHED this 27th day of January, 2021, to:

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NOTICE OF APPEAL RIGHTS

A party adversely affected by this final order may seek judicial review as provided in § 120.68, Fla. Stat., and Fla. R. App. P. 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Fla. R. App. P. 9.110(d) and must be filed (*i.e.*, received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished by U.S. mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Joseph Gillespie, DHSMV Agency Clerk, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, MS-2, Tallahassee, Florida 32399. The facsimile number is (850) 617-5112. The email address is OGCFiling@flhsmv.gov.