

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

DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Petitioner,
vs.
CAPITAL CITY IMPORTS L.L.C.,
Respondent.

HSMV Case No.: MS-21-422

DOAH Case No.: 22-0035

License No.: VI-1073637

FINAL ORDER NO. : FLHSMV 2022

HSMV-22-0061-AS-MS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FINAL ORDER APPROVING SETTLEMENT AGREEMENT

This matter comes before the Department of Highway Safety and Motor Vehicles for entry of a Final Order Approving Settlement Agreement entered into between the parties in this cause.

On November 4, 2021, the Department issued an Administrative Complaint against Respondent. On February 23, 2022, the Department and Respondent entered into a Settlement Agreement to resolve the pending charges alleged in the Administrative Complaint.

Upon consideration of the Settlement Agreement, which is attached hereto, and being fully advised of the premises, it is **ORDERED AND ADJUDGED**:

1. The Settlement Agreement as submitted is approved, adopted, and incorporated herein by reference.
2. The parties shall adhere to and abide by all terms and conditions of the Settlement Agreement.
3. Pursuant to the Settlement Agreement, Respondent shall pay a civil fine in the amount of five thousand five hundred dollars (\$5,500.00) within 15 days from the date of filing of this final order.
4. Failure to pay the civil fine will result in the Department's suspending Respondent's license until such time that Respondent complies with the terms of this final order.
5. This final order shall take effect upon filing with the Department's Agency Clerk.

DONE AND ORDERED this 25th day of February, 2022, at Tallahassee,
Leon County, Florida.

FILED FLHSMV AGENCY CLERK
FEB 25 2022
MS-21-422



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

COPIES FURNISHED this 25th day of February, 2022, to:

Omar A. Erchid, Esq.
Counsel for Capital City Imports L.L.C.
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Tampa, Florida 33609-2383
omar@erchidlaw.com

Angela M. Kelly, Region 7 Administrator

Palmer K. Brand, Program Manager

Kathy A. Jimenez-Morales, DHSMV Office of General Counsel

INSTRUCTIONS FOR PAYMENT

Respondent may **pay in person** by business check, cashier's check, or money order at any of the Department's Regional Offices.

ALL checks or money orders should be **made payable to: Department of Highway Safety and Motor Vehicles**. Respondent must make clear the case for which he or she is making payment, so that the payment is applied to the correct case.

Respondent **may pay over the phone** by calling (850) 617-3206 or (850) 617-3395.

NOTICE OF RIGHT TO APPEAL

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 within thirty (30) days of rendition of this final order.

Filing with the 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.

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Petitioner,

Case No.: MS-21-422

vs.

CAPITAL CITY IMOPORTS LLC,

Respondent.

_____ /

SETTLEMENT AGREEMENT

Respondent, by and through, AHMED SALEM, as Manager, hereby enters into this settlement agreement pursuant to section 120.57(4), Florida Statutes, to resolve all administrative charges referenced in the Administrative Complaint for Case Number MS-21-422, in accordance with the following terms.

1. Respondent enters into this agreement freely and without undue influence, and with the knowledge that doing so constitutes a waiver of the right to an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes.

2. Respondent understands and agrees that Respondent shall pay a civil fine in the amount of Two Hundred Fifty dollars (\$250.00) for each count contained in the Administrative Complaint, for a total of Five Thousand Five Hundred dollars (\$5,500.00).

3. The civil fine in the full amount of Five Thousand Five Hundred dollars (\$5,500.00) will be due and payable to the Department within fifteen (15) calendar days from the date of the filing of a final order with the agency clerk with the Department adopting and incorporating this settlement agreement.

4. Respondent understands and agrees that if Respondent fails to pay the civil fine within the allotted timeframe set forth in paragraphs 2 and 3, the Department may suspend the Respondent's license until payment has been made.

5. Provided Respondent shall have fully performed all its obligations under this Settlement Agreement, then Petitioner shall be deemed to have released Respondent, its members, managers, employees and agents from any and all liabilities, claims and obligations of any matter in connection with all administrative charges and counts referenced in the Administrative Complaint for Case Number MS-21-422 and State of Florida Division of Administrative Hearings Case Number 22-0035.

6. The Parties hereby acknowledge, recognize and understand that nothing contained in this Settlement Agreement shall constitute, be construed or be treated as an admission of liability or wrongdoing.

7. Respondent further understands and agrees that the Final Order adopting this agreement will become part of the Department's permanent record.

8. Respondent agrees to bear its own attorney's fees and costs arising from this matter.

SIGNED this 23 day of February, 2022.



CAPITAL CITY IMPORTS LLC
Ahmed Saleem, Manager

Respondent

SIGNED this 24th day of February, 2022.

DocuSigned by:

Brett Saunders

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BRETT SAUNDERS
Chief
Bureau of Dealer Services
Dept. of Highway Safety & Motor Vehicles

SIGNED this 23rd day of February, 2022.

Pamela Greene

PAMELA GREENE
Assistant General Counsel
Dept. of Highway Safety & Motor Vehicles