

**RESOLUTION No.16-116**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE STIPULATION FOR THE SETTLEMENT AND GENERAL RELEASE FOR CASE NO. 2016-002419 CA 01 (25), IN THE FORFEITURE OF \$119,600.00 IN U.S. CURRENCY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AND RECEIVE FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on or about December 16, 2015, law enforcement officers for the City of Doral (the City), seized \$119,600.00 in U.S. Currency, pursuant to an arrest of Mr. Robinson Perez (“Perez”); and

**WHEREAS**, following the arrest, the City timely filed forfeiture proceedings; and

**WHEREAS**, Perez and the City have reached an amicable resolution of that proceeding, pursuant to the terms of a Stipulation for Settlement and General Release, attached in Exhibit “A”; and

**THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Approval of Settlement.** The Stipulation of Settlement and General Release, attached hereto as Exhibit “A”, which is incorporated herein and made a part hereof by this reference, is hereby approved.

**Section 3. Authorization.** The City Manager is hereby authorized to execute the Stipulation for Settlement and General Release and to receive funds due to the City as a result thereof.

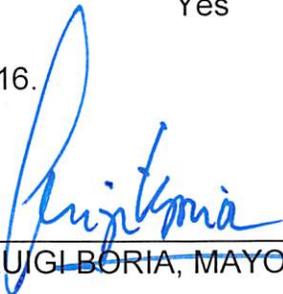
**Section 4. Implementation.** The City Manager and City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED this 8 day of June, 2016.

  
\_\_\_\_\_  
LUIGI BORIA, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY

# EXHIBIT “A”

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

IN RE FORFEITURE OF  
\$119,600.00 IN U.S. CURRENCY

CASE NO.: 2016-002419 CA 01 (25)

**STIPULATION FOR SETTLEMENT AND GENERAL RELEASE**

The City of Doral ("City") and Claimant, Robinson Perez ("Perez" or "Claimant") (collectively, the "Parties") stipulate and agree as follows:

1. On or about December 16, 2015, law enforcement officers from the City seized \$119,600.00 in U.S. Currency, pursuant to an arrest in Miami-Dade County, Florida.
2. Following the seizure, the City timely filed these forfeiture proceedings.
3. Perez hereby waives any right, title or other ownership interest in \$60,000.00 of the total value of funds seized as set forth hereinabove.
4. Subject to the Court's ruling as to the interests of any other claimants named herein, said funds are hereby forfeited to the City for its use or disposal according to law, relating back to the date of seizure.
5. The parties further agree that, subject to approval by the City Council of the City, Perez shall receive \$59,600.00 of the \$119,600.00 seized, inclusive of all fees and costs, in the form of a check payable to the trust account of Woodward and Reizenstein, P.A.
6. The City shall provide a check in the referenced amount within thirty (30) business days of the execution of an Order confirming the terms of this Stipulation.
7. Claimant shall not be responsible for any fees whatsoever associated with this Settlement Agreement.
8. Claimant hereby waives and relinquishes any and all interests, rights or claims he has or may have in the remaining \$60,000.00 in seized Currency.

*Stipulation for Settlement and General Release-Perez*

8. It is agreed that time is of the essence for purposes of this Stipulation.

9. By signing below, Perez acknowledges and agrees to be bound by the general release set forth below and incorporated herein.

10. Perez acknowledges that he has had the benefit and right to counsel before executing this Stipulation, and agrees to be bound by all terms thereof.

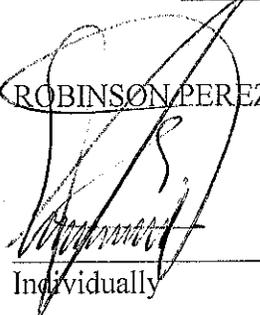
11. The Parties hereby agree that this Stipulation shall be submitted to the Court for entry of an Order ratifying and adopting the Stipulation, directing each of the Parties to comply with the terms of the Stipulation, reserving jurisdiction over the Parties and the subject matter of this action and to enforce the terms of this Stipulation.

12. The Parties agree that this settlement is no admission of guilt, liability, or an expression of their inability to continue to fully litigate the legal and factual issues which exist in this action to a full and final conclusion.

13. This settlement is a compromise, by all parties to same, considering the delays of litigation, the uncertainty of same and the fees and costs associated with litigation.

14. The Parties further agree to the entry of Final Judgment in favor of City resolving any and all claims that were or could have been asserted by the Parties in this matter.

**DATED** this 3<sup>rd</sup> day of April, 2016.

  
ROBINSON PEREZ  
Individually

*Stipulation for Settlement and General Release-Perez*

WOODWARD & REIZENSTEIN, P.A.  
Attorneys for Claimant,  
RobinsonPerez  
2828 Coral Way, Suite 540  
Miami, FL 33145  
(305)444-0755

WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Attorneys for the City of Doral  
200 E. Broward Blvd., Suite 1900  
Fort Lauderdale, FL 33301  
(954) 763-4242

By: \_\_\_\_\_  
Philip L. Reizenstein  
Florida Bar No.: 634026  
[Philip@miamicriminallaw.net](mailto:Philip@miamicriminallaw.net)

By: \_\_\_\_\_  
Marc C. Pugliese  
Florida Bar No.: 0086169  
[mpugliese@wsh-law.com](mailto:mpugliese@wsh-law.com)

*Stipulation for Settlement and General Release-Perez*

**GENERAL RELEASE**

**KNOW ALL MEN BY THESE PRESENTS:**

That I, Robinson Perez (“First Party”), for and in consideration of dismissal of the claim associated with case number 2016-002419 CA 01 (25) and for return of \$59,600.00 in seized funds, to be returned from or on behalf of the City of Doral, its police department, Mayor and Board of Commissioners, City officials, employees, and all of its departments and divisions, their agents, servants, and employees (“Second Party”),

**HEREBY** remise, release, acquit, satisfy, and forever discharge the said Second Party, of and from all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which said first party ever had, now has, or which any personal representative, successor, heir or assign of said first party, hereafter can, shall or may have, against said Second Party, for, upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents, including, but not limited to any and all current or potential claims they have or may have concerning, related to or otherwise stemming from the seizure of \$119,600.00 in U.S. Currency on or about December 16, 2015, pursuant to an arrest made by City of Doral Police Department, which claims are the subject matter of litigation styled *In Re Forfeiture of \$119,600.00 In U.S. Currency*, Case No. 2016-002419 CA 01 (25), before the Honorable Jorge E. Cueto, in the 11th Judicial Circuit in and for Miami-Dade County, Florida.

This Release specifically covers, but is not limited to, any and all claims for 4<sup>th</sup> Amendment violations, due process violations, pain and suffering, loss of capacity for enjoyment

