

**COPY**

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

**DOAH CASE NO.: 04-4108**

**FINAL ORDER #: HSMV-06-1363-FOF-DMV**

**AMERICAN HONDA MOTOR CO., INC. AND  
B.O.O., INC. d/b/a ACURA OF SOUTH  
FLORIDA,**

**Petitioners,**

**vs.**

**RICK CASE AUTO, INC. d/b/a RICK CASE  
ACURA,**

**Respondents.**

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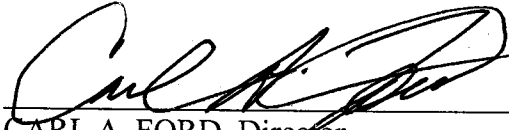
**FILED**  
**06 DEC 29 PM 1:26**  
**DIVISION OF  
ADMINISTRATIVE  
HEARINGS**

**FINAL ORDER**

This matter came before the Department for entry of a Final Order upon submission of a Recommended Order by Florence Snyder Rivas, an Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order<sup>1</sup>. The Department hereby adopts the Recommended Order as its Final Order in this matter. Accordingly, it is

ORDERED and ADJUDGED that Petitioner, B.O.O., Inc. d/b/a Acura of South Florida, be permitted to relocate its dealership to a proposed location in Pembroke Pines, on the north side of Pines Boulevard, approximately .8 miles west of the intersection of Pines Boulevard and Interstate 75 in Broward County, Florida, and that its license shall be amended accordingly, upon compliance with all applicable requirements of Section 320.27, Florida Statutes, and all applicable Department rules.

DONE AND ORDERED this 26<sup>th</sup> day of December 2006, in Tallahassee, Leon County, Florida.



CARL A. FORD, Director  
Division of Motor Vehicles  
Department of Highway Safety  
and Motor Vehicles  
Neil Kirkman Building  
Tallahassee, Florida 32399

Filed with the Clerk of the  
Division of Motor Vehicles  
this 26<sup>th</sup> day of December, 2006.

#### NOTICE OF APPEAL RIGHTS

Judicial review of this order may be had pursuant to section 120.68, Florida Statutes, in the District Court of Appeal for the First District, State of Florida, or in any other district court of appeal of this state in an appellate district where a party resides. In order to initiate such review, one copy of the notice of appeal must be filed with the Department and the other copy of the notice of appeal, together with the filing fee, must be filed with the court within thirty days of the filing date of this order as set out above, pursuant to Rules of Appellate Procedure.

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<sup>1</sup> Respondent, Rick Case Auto, Inc. filed exceptions to the Recommended Order. These exceptions are ruled on in the Appendix to this Order. Petitioner American Honda Motor Co., filed responses to the exceptions.

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**APPENDIX TO FINAL ORDER**  
**RULINGS ON RESPONDENT'S EXCEPTIONS**

Having carefully considered Respondent's Exceptions and proposed Final Order and Petitioners' Responses thereto, the Department rules as follows on the exceptions (to the extent that an exception was made to an end note to a finding or conclusion, the ruling includes the endnote) :

- Exception 1. Rejected. Finding of Fact 6 is based on competent substantial evidence.
- Exception 2. Rejected. Finding of Fact 7 is based on competent substantial evidence.
- Exception 3. Rejected. Finding of Fact 8 is based on competent substantial evidence.
- Exception 4. Rejected. Finding of Fact 9 is based on competent substantial evidence.
- Exception 5. Rejected. Finding of Fact 10 is based on competent substantial evidence.
- Exception 6. Rejected. Finding of Fact 11 is based on competent substantial evidence.
- Exception 7. Rejected. Findings of Fact 15, 16 and 17 are based on competent substantial evidence. Conclusion of Law 42 is legally correct.

Exception 8. Rejected. Finding of Fact 18 is based on competent substantial evidence.

Exception 9. Rejected. Finding of Fact 20 is based on competent substantial evidence.

Exception 10. Rejected. Finding of Fact 21 is based on competent substantial evidence.

Exception 11. Rejected. Finding of Fact 25 is based on competent substantial evidence.

Exception 12. Rejected. Findings of Fact 33 is based on competent substantial evidence.

Conclusion of Law 50 is legally correct.

Exception 13. Rejected. Conclusion of Law 43 is legally correct. To the extent that the Conclusion of Law may also be considered a finding of fact it is based on competent substantial evidence.

Exception 14. Rejected. Conclusion of Law 46 is legally correct. To the extent that the Conclusion of Law may also be considered a finding of fact it is based on competent substantial evidence.

Exception 15. The exception does not clearly identify the disputed portion of the recommended order by page number or paragraph and does not include appropriate and specific citations to the record. Thus no ruling is required. Section 120.57(1)(k), Florida Statutes.