

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FILED

DOAH CASE NOS.: 05-3680 and 05-3987

2006 APR 13 A 11:13

FINAL ORDER #: HSMV-06-379-FOF-DMV

DIVISION OF
ADMINISTRATIVE
HEARINGS

NISSAN NORTH AMERICA, INC.,

Petitioner,

vs.

LOVE NISSAN, INC.; ROBERT L.
HALLEEN; AND CHAD A. HALLEEN.

Respondents.

LOVE NISSAN, INC.; ROBERT L.
HALLEEN; AND CHAD A. HALLEEN,

Petitioner,

vs.

NISSAN NORTH AMERICA, INC.,

Respondent.

FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of a Recommended Order by Harry L. Hooper, an Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order¹. The Department hereby adopts the Recommended Order as its Final Order in this matter.

WHEREFORE, it is Ordered that pursuant to Nissan's verified Petition for Determination of Invalid Proposed Transfer Pursuant to Section 320.643, Florida Statutes, and Notice of Rejection of Proposed Transfer, no transfer under Section 320.643, Florida Statutes, is proposed and Nissan's

¹ Respondent, Love Nissan, Inc. and Petitioner, Nissan North America, filed exceptions to the Recommended Order. These exceptions are ruled on in the Appendix to this Order.

rejection of it was proper. Furthermore, Robert Halleen and Chad Halleen's Petition for Determination of Wrongful Turndown is dismissed.

DONE AND ORDERED this 12th day of April, 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 12th day of April, 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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APPENDIX TO FINAL ORDER

RULING ON PETITIONER'S EXCEPTIONS TO RECOMMENDED ORDER

Exception 1. Rejected – The Administrative Law Judge found it necessary to determine whether there was a change in management because the Administrative Law Judge found that the proposed transfer of equity was illusory.

Ruling on Exceptions to Findings of Fact

18. Rejected. The finding is based on competent substantial evidence.
20. Rejected. The finding is based on competent substantial evidence.
22. Rejected. The finding is based on competent substantial evidence.
23. Rejected. The finding is based on competent substantial evidence.

24. Rejected. The finding is based on competent substantial evidence.
25. Rejected. The finding is based on competent substantial evidence.

Ruling on Exceptions to Legal Conclusions

A. Legal Principles

The conclusions of law are correct interpretations of the law and correctly apply the law to the established facts.

B. Specific Exceptions

Exception to conclusions of law 34, 36 and 38. The conclusions are correct statements of the law.

Exceptions to conclusions of law 39 and 40. The conclusions are correct statements of the law.