

DOAH

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

**DOAH CASE NO.: 08-1600
FINAL ORDER #: HSMV-08-1714-S-DMV**

**FILED
08 OCT -8 PM 1:31
DIVISION OF
ADMINISTRATIVE
HEARINGS**

**CHUANL MOTORCYCLE USA CO.,
LTD., AND USA WHOLESALE
SCOOTERS, INC.,**

Petitioners,

vs.

POWER & PLAY WAREHOUSE, INC.,

Respondent.

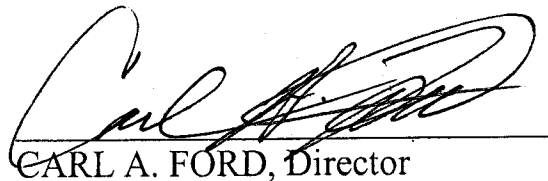
FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of an Order Closing File by John G. Van Laningham, Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order. The Department hereby adopts the Recommended Order as its Final Order in this matter.

Accordingly, it is hereby

ORDERED that Wholesale Scooters, request to establish a new dealership for the sale of motorcycles manufactured by Chaul (CHUA) at 2902 East Sunrise Blvd., Fort Lauderdale Florida is DENIED.

DONE AND ORDERED this 25th day of September, 2008, 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 25th day of September, 2008.

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.

Copies furnished:

Noel Farbman
USA Wholesale Scooters, Inc.
2902 East Sunrise Blvd.
Fort Lauderdale, Florida 33304

Lingbin Chen
Chuanl Motorcycle USA Co., Ltd.
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Dallas, Texas 75243

Thomas McMahon
Power and Play Warehouse, Inc.
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John G. Van Laningham
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

Nalini Vinayak
Dealer License Administrator

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602

September 3, 2008

Carl A. Ford, Director
Division of Motor Vehicles
Highway Safety and Motor Vehicles
Neil Kirkman Building, Room B-439
2900 Apalachee Parkway
Tallahassee, Florida 32399-0500

Re: CHUANL MOTORCYCLE USA CO., LTD., AND USA WHOLESALE SCOOTERS,
INC. vs. POWER AND PLAY WAREHOUSE, INC.,
DOAH Case No. 08-1600

Dear Mr. Ford:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the one-volume transcript, together with the Respondent's Exhibits numbered 1-2. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by Subsection 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order, along with any exceptions to the Recommended Order, within 15 days of its rendition.

Sincerely,

S

JOHN G. VAN LANINGHAM
Administrative Law Judge

JVL/ld
Enclosures

cc: Michael J. Alderman, Esquire
Lingbin Chen
Noel Farbman
Thomas McMahon
Robin Lotane, General Counsel