

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

**DOAH CASE NO.: 09-2262  
DMV CASE NO. 09-0933  
FINAL ORDER #: HSMV-09-1405 -S-DMV**

**SUBARU OF AMERICA, INC.,  
SOUTH CENTRAL REGION AND  
BCSS, LTD., d/b/a LOU BACHRODT  
SUBARU,**

**Petitioners,**

**vs.**

**DELRAY MOTOR, INC., d/b/a  
DELRAY LINCOLN MERCURY,**

**Respondent.**

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**FINAL ORDER**

This matter came before the Department for entry of a Final Order upon submission of an Order Closing File by Claude B. Arrington, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Petitioner's Notice of Withdrawal of Notice of Establishment and Motion to Dismiss Protest, a copy of which is attached and incorporated by reference in this order. The Department hereby adopts the Order Closing File as its Final Order in this matter.

Accordingly, it is hereby

ORDERED that this case is CLOSED and no license will be issued to Subaru of America, Inc., South Central Region and BCSS, Ltd. d/b/a Lou Bachrodt Subaru to sell automobiles manufactured by Subaru (SUBA) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073.

DONE AND ORDERED this 17<sup>th</sup> day of September, 2009, 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 18<sup>th</sup> day of September, 2009.



Nalini Vinayak, Dealer License Administrator

### 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.

CAF:vlg

Copies furnished:

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Claude B. Arrington  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
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Tallahassee, Florida 32399-1550

Nalini Vinayak  
Dealer License Administrator

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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SUBARU OF AMERICA, INC., AND )  
SOUTH CENTRAL REGION AND BCSS, )  
LTD., d/b/a LOU BACHRODT )  
SUBARU, )  
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Petitioners, )  
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vs. ) Case No. 09-2262  
 )  
 )  
DELRAY MOTORS, INC., d/b/a )  
DELRAY LINCOLN MECURY, )  
 )  
 )  
Respondent. )  
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ORDER CLOSING FILE

This cause having come before the undersigned on Petitioner's Notice of Withdrawal of Notice of Establishment and Motion to Dismiss Protest filed September 8, 2009, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. The final hearing in this cause scheduled for November 16 through 20, 2009, is hereby canceled.
2. The file of the Division of Administrative Hearings in the above-captioned matter is hereby closed. Jurisdiction is hereby relinquished to the referring agency.

DONE AND ORDERED this 8th day of September, 2009, in Tallahassee, Leon County, Florida.



---

CLAUDE B. ARRINGTON  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 8th day of September, 2009.

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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SUBARU OF AMERICA, INC., and  
BCSS, LTD. d/b/a LOU BACHRODT SUBARU,

Petitioners,

vs.

Case No. 09-2262

DELRAY MOTORS, INC. d/b/a DELRAY  
LINCOLN MERCURY,

Respondent.

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**NOTICE OF WITHDRAWAL OF NOTICE OF ESTABLISHMENT AND MOTION TO  
DISMISS PROTEST**

Petitioners, Subaru of America, Inc. and BCSS, Ltd. d/b/a Lou Bachrodt Subaru, give notice that they withdraw the notice to establish BCSS, Ltd. d/b/a Lou Bachrodt Subaru, and move the Administrative Law Judge pursuant to Rule 28-106.204, Florida Administrative Code, to enter an order dismissing this matter as moot, and state in support:

1. At the request of Subaru of America, Inc. ("SOA"), the Florida Department of Highway Safety and Motor Vehicles ("the Department") caused to be published in the Florida Administrative Weekly, Volume 35, Number 13, on April 3, 2009, a notice of the establishment of BCSS, Ltd. d/b/a Lou Bachrodt Subaru ("Bachrodt Subaru") as a dealership for the sale of Subaru vehicles at 5500 North State Road 7, Coconut Creek, Florida 33073 ("the Notice"). A copy of the Notice is attached as Exhibit "A."
2. On April 21, 2009, Respondent Delray Motors, Inc. d/b/a Delray Lincoln Mercury ("Delray") filed a protest with the Department, objecting to the establishment of Bachrodt Subaru.

3. BCSS and SOA have determined not to establish Bachrodt Subaru and hereby withdraw the Notice.

4. With the notice withdrawn, the protest by Delray is now moot and should be dismissed.

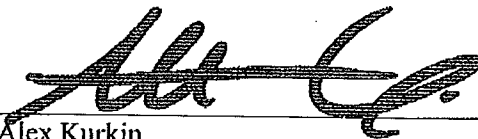
5. The undersigned counsel for SOA has conferred with counsel for Delray and is authorized to represent that Delray has no objection to the dismissal of this case.

Dated September 4, 2009.



Andy Bertron  
Nelson Mullins Riley & Scarborough, LLP  
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Tallahassee, FL 32312  
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Facsimile: (850) 907-2552  
andy.bertron@nelsonmullins.com

*Attorneys for Subaru of America, Inc.*

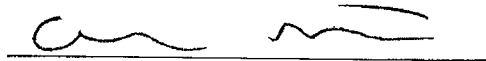


Alex Kurkin  
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alex@kurkinbrandes.com

*Attorneys for BCSS, Ltd. d/b/a Lou Bachrodt  
Subaru*

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail to Brian W. Davey, St. Denis & Davey, P.A., 13000 Riverplace Blvd., Suite 101, Jacksonville, FL 32207 (brian@sdtriallaw.com), on September 4, 2009.

  
\_\_\_\_\_  
Attorney



09-2262

FILED  
APR 27 2009  
P 1:56  
DIVISION OF  
ADMINISTRATIVE  
SERVICES

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

A copy of such petition or complaint must be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 227 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 9050 A Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after March 24, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC are dealer operator(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541; principal investor(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

**\* Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., South Central Region, intends to allow the establishment of BCSS, Ltd. d/b/a Lou Bachrodt Subaru, as a dealership for the sale of Subaru vehicles (SUBA) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073, on or after April 28, 2009.

The name and address of the dealer operator(s) and principal investor(s) of BCSS, Ltd. d/b/a Lou Bachrodt Subaru are dealer operator(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073; principal investor(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073 and Patrick M. Bachrodt, 5500 North State Road 7, Coconut Creek, Florida 33073.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30168.

EXHIBIT "A"

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Triumph Motorcycles (America), Ltd., intends to allow the establishment of Motorcycles of Miami, Inc., as a dealership for the sale of Triumph motorcycles (TRUM) at 7501 Northwest 36th Street, Miami (Dade County), Florida 33166, on or after April 19, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles of Miami, Inc. are dealer operator(s): Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178; principal investor(s): Francisco Garcia, 3039 Ellice Way, Naples, Florida 34114 and Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Lashley, Triumph Motorcycles (America), Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newnan, Georgia 30265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 10100 San Jose Boulevard, Jacksonville (Duval County), Florida 32257, on or after March 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Keeway America, LLC, intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 11610 Seminole Boulevard, Largo (Pinellas County), Florida 33778; on or after February 18, 2009.

EXHIBIT "A"