

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

**DOAH CASE NO.: 09-3050
DMV CASE NO. 09-1122**

**A 1 MOTORSCOOTERS.COM, LLC AND
A 1 MOTORSCOOTERS.COM, LLC,**

Petitioners,

vs.

ECO GREEN MACHINE, LLC,

Respondent.

ORDER

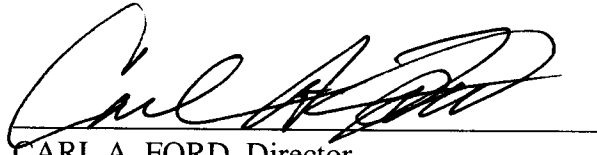
This matter came before the Department for entry of a Final Order upon submission of an Order Closing File by R. Bruce McKibben, an Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order.

On February 17, 2009 A 1 Motorscooters.com, LLC submitted a letter of intent to establish A 1 Motorscooters.com, LLC as a dealer for the sale of JMSTAR. The letter of intent did not list Eco Green Machine, LLC as a dealer with standing to protest as required. Eco Green Machine, LLC did not learn of A 1 Motorscooters.com, LLC intent to establish a dealership for the sale of JMSTAR until after the time to protest had expired. Thus Eco Green Machine, LLC was not properly notified of A 1 Motorscooters.com, LLC intent to establish a dealership, and therefore was not afforded the opportunity to timely protest.

Accordingly, it is hereby

ORDERED that this case be remanded back to the Division of Administrative Hearings to be heard as if Respondent's protest had been timely filed.

DONE AND ORDERED this 10th 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 10th 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.

Copies furnished:

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R. Bruce McKibben
Administrative Law Judge
Division of Administrative Hearings
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Nalini Vinayak
Dealer License Administrator

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