

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DOAH CASE NO.: 12-3149
MS CASE NO.: MS-12-843
FINAL ORDER #: HSMV-13-399-FOF-MS

MASTRO BROTHERS AUTO GROUP,
LLC D/B/A MASTRO IMPORTS,

Petitioners,

vs.

SUBARU OF AMERICA, INC. AND
BOYLAND AUTO CENTER, LLC D/B/A
SUBARU OF SOUTH ORLANDO,

Respondents.

_____ /

FINAL ORDER

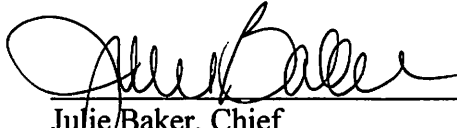
This matter came before the Department for entry of a Final Order upon submission of a Recommended Order of Dismissal by William F. Quattlebaum, an Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order¹. The Department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

ORDERED and ADJUDGED that this case is **DISMISSED** and Petitioner's Request for hearing is **DISMISSED**.

¹ Petitioner, Mastro Brothers Auto Group d/b/a Mastro Imports filed exceptions to the Recommended Order. Respondents Subaru of America, Inc. and Boyland Auto Center, LLC d/b/a Subaru of South Orlando, filed responses to the exceptions. These exceptions are ruled on in the Appendix to this Order.

DONE AND ORDERED this 2 day of ~~April~~^{May}, 2013, in Tallahassee, Leon County,

Florida.



Julie Baker, Chief
Bureau of Issuance Oversight
Division of Motorist Services
Department of Highway Safety and
Motor Vehicles
Neil Kirkman Building, Room A338
Tallahassee, Florida 32399

Filed with the Clerk of the
Division of Motorist Services
this 2 day of ~~April~~^{May}, 2013.

NOTICE OF APPEAL RIGHTS


Nalini Vinayak, Dealer License Administrator

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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SUBARU OF SOUTH ORLANDO,**

Respondents.

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

Having carefully considered Petitioner's Exceptions and Respondents' Responses thereto, the Department rules as follows on the exceptions:

EXCEPTION 1

Rejected. Conclusion of Law that "Florida Statute 320.642(3)(b)(2) requires a 12-month period consisting of 12 "consecutive" months in order to establish standing in this case" is legally correct.

EXCEPTION 2

Rejected. Conclusion of Law that "Florida Statute 320.699 does not provide Mastro an alternative basis for standing in this case" is legally correct.

EXCEPTION 3

Rejected. Recommendation is correct.

EXCEPTION 4

Rejected. Recommendation is correct.