

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DOAH CASE NO.: 14-6038
MS CASE NO.: 14-1674
FINAL ORDER #: HSMV-15-210-S-MS

CYCLE SPORT CENTER, INC., D/B/A
CYCLE SPORTS CENTER

Petitioners,

vs.

POLARIS SALES AND SERVICE, INC.,
AND SKY POWERSPORTS NORTH
ORLANDO, LLC,

Respondent.

_____ /

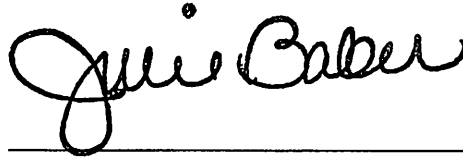
FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of an Order Closing File and Relinquishing Jurisdiction by the Honorable Robert S. Cohen, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Respondent's Motion to Dismiss and Relinquish Jurisdiction, a copy of which is attached and incorporated by reference in this order. The Department hereby adopts the Order Closing File and Relinquishing Jurisdiction as its Final Order in this matter.

Accordingly, it is hereby

ORDERED that this case is **CLOSED** and no license will be issued to Sky Powersports North Orlando, LLC to sell Slingshot Motorcycles manufactured by Polaris Industries, Inc. (SLNG) at 855 North US Highway 17-92, Longwood (Seminole Count), Florida 32750.

DONE AND ORDERED this 13 day of February, 2015, in Tallahassee, Leon
County, Florida.



Filed in the official records of the Division of
Motorist Services this 13 day of
February, 2015.


Nalini Vinayak, Dealer License Administrator

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

Copies furnished to:

Nalini Vinayak
Dealer License Section

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Nicholas A. Bader, Esquire
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2822 Remington Green Circle
Tallahassee, Florida 32308

Nathan D. Stickney
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777 South Flagler Drive
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Robert S. Cohen
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

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.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CYCLE SPORT CENTER, INC., d/b/a
CYCLE SPORTS CENTER,

Petitioner,

vs.

Case No. 14-6038

POLARIS SALES AND SERVICE, INC.,
AND SKY POWERSPORTS NORTH
ORLANDO, LLC,

Respondents.

_____ /

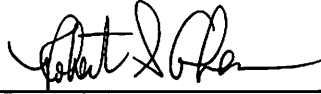
ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on Respondent's Motion to Dismiss and to Relinquish Jurisdiction, filed on January 23, 2015, and Petitioner's Notice of No Objection to Respondent's Motion to Dismiss, filed on February 5, 2015, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. Respondent's Motion to Dismiss and to Relinquish Jurisdiction is granted.
2. The final hearing scheduled for September 8 through 11, 2015, is canceled.
3. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles.

DONE AND ORDERED this 6th day of February, 2015, in Tallahassee, Leon County, Florida.



ROBERT S. COHEN
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 6th day of February, 2015.

COPIES FURNISHED:

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CYCLE SPORT CENTER, INC., d/b/a
CYCLE SPORT CENTER,

CASE NO.: 14-6038

Petitioner,

vs.

POLARIS SALES AND SERVICE, INC.,
AND BROWARD SKY POWERSPORTS
NORTH ORLANDO, LLC,

Respondents.

RESPONDENT'S MOTION TO DISMISS AND TO RELINQUISH JURISDICTION

Respondent, POLARIS SALES AND SERVICE, INC. ("Polaris"), by and through their undersigned counsel and pursuant to Sections 120.569, 320.642 and 320.642, Florida Statutes, and Florida Administrative Code Rule 28-106.204, respectfully move for entry of an Order dismissing the Petition initiating this proceeding and relinquishing the Division of Administrative Hearings' jurisdiction over this proceeding. As grounds, Polaris states as follows.

1. This proceeding was initiated by the Petition Protesting Establishment of Dealership Pursuant to Florida Statutes Section 320.642 ("the Petition") filed by Petitioner CYCLE SPORT CENTER, INC., d/b/a CYCLE SPORT CENTER ("Cycle Sport"). In relevant part, Cycle Sport is protesting Polaris' Notice of Intent to establish Sky Powersports North Orlando, LLC ("Sky") as an additional dealer for the sale of Polaris' line of Slingshot motorcycles at 855 North U.S. Highway 17-92, Longwood, Florida ("the Notice of Intent").

2. On January 15, 2015, however, Polaris filed formal notice of withdraw of the Notice of Intent with the Florida Division of Motor Vehicles, whereby Polaris withdrew its

request that Sky be authorized as an additional dealer of the Slingshot line. A copy of Polaris' Notice of Withdraw is attached as Exhibit A.

3. As a consequence of Polaris' withdraw of its Notice of Intent, there is no longer any basis or need for an administrative hearing on Cycle Sport's Petition protesting the Notice of Intent. Rather, Cycle Sport's Petition is now moot as there are no substantial interests or rights of the parties to be adjudicated nor any disputed facts to be determined.

4. Polaris accordingly requests that the Division of Administrative Hearings dismiss this proceeding and relinquish jurisdiction of this matter to the Division of Motor Vehicles.

Respectfully submitted,

/s/ Jonathan B. Butler

Jonathan B. Butler, Esq.

Florida Bar No. 56197

Akerman LLP

777 South Flagler Drive, Suite 1100 West

West Palm Beach, FL 33401

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 23, 2015, I electronically filed the foregoing document with the Division of Administrative Hearings via eALJ, and served the foregoing documents via U.S. Mail and email on Robert C. Byerts, Esq. and Nicholas Bader, Esq., Bass, Sox and Mercer, 2822 Remington Green Cir, Tallahassee, FL 32308.

/s/ Jonathan B. Butler

Jonathan B. Butler, Esq.

Florida Bar No. 56197



Polaris Sales Inc.
2100 Highway 55
Medina, MN 55340-9770
763-542-0500
763-847-8149 fax

January 15, 2015

Nalini Vinayak, Administrator
Dealer License Section
Division of Motor Vehicles
2900 Apalachee Parkway
Room A-312, MS-65
Tallahassee, FL 32399-0635

Dear Nalini Vinayak,

On October 30, 2014, Polaris Sales Inc. provided the Florida Division of Motor Vehicles with notice that it intended to authorize Sky Powersports North Orlando, LLC., d/b/a Sky Powersports North Orlando as a dealership for the sale of Slingshot at 855 North Highway 17-92, Longwood, FL, 32750. Polaris hereby formally withdraws that notice of intent to authorize.

Please acknowledge receipt of this letter and notice of withdrawal.

Should you require any additional information, please contact Peggy Payne at 763-847-8403.

Sincerely,

Michael W. Malone
VP Finance, CFO

