

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DOAH CASE NO.: 15-2316
MS CASE NO.: 15-719
FINAL ORDER NO.: HSMV-15- 863 -S-MS

DISTINCTIVE CYCLES, INC.,

Petitioner,

vs.

POLARIS SALES AND SERVICE, INC.;
AND KELLEY'S KRUISERS, LLC, D/B/A
INDIAN MOTORCYCLE OF
PANAMA CITY,

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 Suzanne Van Wyk, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Petitioner's request to withdraw their Petition, 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 and ADJUDGED that Respondent, Kelley's Kruisers, LLC d/b/a Indian Motorcycle of Panama City, be granted a license to sell vehicles manufactured by Victory Motorcycles (VICO) at 13830 Panama City Beach Road, Panama City, (Bay County), Florida, upon compliance with all applicable requirements of Section 320.27, Florida Statutes, and all applicable Department rules.

DONE AND ORDERED this 14 day of July, 2015, 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 in the official records of the
Division of Motorist Services
this 14 day of July, 2015.

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.

JB/wev

Copies furnished:

Tom Triano
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The Honorable Suzanne Van Wyk
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Division of Administrative Hearings
The DeSoto Building
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Tallahassee, Florida 32399-1550

Nalini Vinayak
Dealer License Section

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DISTINCTIVE CYCLES, INC.,

Petitioner,

vs.

Case No. 15-2316

POLARIS SALES AND SERVICE, INC. ;
AND KELLEY'S KRUISERS, LLC,
d/b/a INDIAN MOTORCYCLE OF
PANAMA CITY,

Respondent.

_____ /

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause comes before the undersigned on Plaintiff's Request for Dismissal filed on July 9, 2015, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. The final hearing scheduled for October 21 and 22, 2015, is canceled.
2. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the Department of Highway Safety and Motor Vehicles.

DONE AND ORDERED this 10th day of July, 2015, in Tallahassee, Leon County, Florida.

Suzanne Van Wyk

SUZANNE VAN WYK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
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www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 10th day of July, 2015.

COPIES FURNISHED:

Jennifer Clark, Agency Clerk
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**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES**

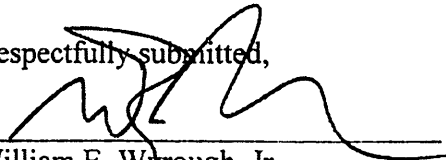
DISTINCTIVE CYCLES, INC.,)	
Petitioner,)	
)	
v.)	Case No.: 15-2316
)	
POLARIS SALES AND SERVICE, INC.)	
Respondent.)	

PLAINTIFF'S REQUEST FOR DISMISSAL

Petitioner, DISTINCTIVE CYCLES, INC., hereby requests that the Division of Motor Vehicles and this court dismiss the Petition against Respondent Polaris Sales and Service, Inc. with prejudice.

Dated: July 9, 2015.

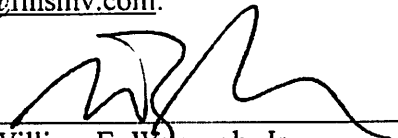
Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 9, 2015, I electronically filed the foregoing with the Division of Administrative Hearings via eALJ, and served the foregoing documents via E-mail on Jonathan B. Butler, Esq., 777 S Flagler Dr, Suite 1100, West Tower, West Palm Beach, FL 33401, Jonathan.butler@akerman.com; William Van Cott, 2900 Apalachee Pkwy, Room A-430, Tallahassee, FL 32399, williamvancott@flhsmv.gov; and Jennifer Clark, 2900 Apalachee Pkwy., Room A-430, Tallahassee, FL 32399, jenniferclark@flhsmv.com.



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