

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF MOTORIST SERVICES**

**DOAH CASE NOS.: 15-4822, 15-4823, 15-4966, 15-4967
MS CASE NOS.: 15-1426, 15-1427, 15-1428, 15-1429
FINAL ORDER NO.: HSMV-16-1426-S-MS**

**POMPANO IMPORTS, INC. d/b/a
VISTA BMW,**

Petitioner,

vs.

**BMW OF NORTH AMERICA, LLC AND
AUTO COMPANY XXVII, INC., d/b/a
BMW OF DELRAY BEACH,**

Respondent.

_____ /

FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of an Order Closing Files and Relinquishing Jurisdiction by the Honorable John G. Van Laningham, Administrative Law Judge of the Division of Administrative Hearings, pursuant to the Stipulation of Withdrawal agreed upon by Petitioner, Pompano Imports, Inc. d/b/a Vista BMW, and Respondent, BMW of North America, LLC and Auto Company XXVII, Inc. d/b/a BMW of Delray Beach, a copy of which is attached, and incorporated by reference, in this order. The Department hereby adopts the Order Closing Files and Relinquishing Jurisdiction as its Final Order in this matter.

Accordingly, it is hereby:

ORDERED and **ADJUDGED** that Respondent, Auto Company XXVII, Inc. d/b/a BMW of Delray Beach, be granted a license to sell vehicles manufactured by BMW (BMW) at 1311 Linton Boulevard, Delray Beach (Palm Beach County), Florida 33444, upon compliance with all applicable requirements of Section 320.27, Florida Statutes, and all applicable Department rules.

DONE AND ORDERED this 23rd day of September, 2016, in Tallahassee, Leon County, Florida.



Julie W. Gentry, Chief
Bureau of Dealer Services
Division of Motorist Services
Department of Highway Safety and Motor Vehicles
Neil Kirkman Building, Room B372
Tallahassee, Florida 32399

Filed in the official records of the
Division of Motorist Services
this 23rd day of September, 2016.

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.

JG/wev

Copies furnished:

Paul J. Schwiep, Esquire
Coffey Burlington, P.L.
2601 South Bayshore Drive, Penthouse 1
Miami, Florida 33133
pshwiep@coffeyburlington.com

Stuart C. Poage, Esquire
Kubicki Draper
1705 Metropolitan Boulevard, Suite 202
Tallahassee, Florida 32312
sp@kubickidraper.com

John W. Forehand, Esquire
South Motors Automotive Group
16165 South Dixie Highway
Miami, Florida 33157

Eric Barton, Esquire
Seyfarth Shaw, LLP
1075 Peachtree Street Northeast, Suite 2500
Atlanta, Georgia 30309
ebarton@seyfarth.com

William N. Berkowitz, Esquire
Seyfarth Shaw, LLP
Two Seaport Lane, Suite 300
Boston, Massachusetts 02210
wberkowitz@seyfarth.com

Barry Richard, Esquire
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, Florida 32301
richardb@gtlaw.com

Beth Ann Levene, Esquire
Williams and Connelly, LLP
725 12th Street Northwest
Washington, DC 20005
blevene@wc.com

The Honorable James H. Peterson, III
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

Lance Ball
Dealer License Administrator

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

POMPANO IMPORTS, INC., d/b/a
VISTA BMW,

Petitioner,

vs.

Case Nos. 15-4822
15-4823
15-4966
15-4967

BMW OF NORTH AMERICA, LLC, AND
AUTO COMPANY XXVII, INC., d/b/a
BMW OF DELRAY BEACH,

Respondents.

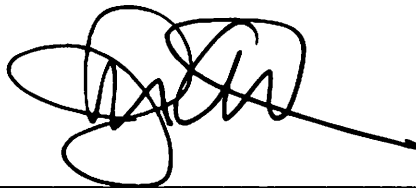
_____ /

ORDER CLOSING FILES AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on the parties' Stipulation of Withdrawal, filed September 15, 2016, and the undersigned being fully advised, it is, therefore,

ORDERED that the files of the Division of Administrative Hearings are closed. Jurisdiction is relinquished to the referring agency.

DONE AND ORDERED this 16th day of September, 2016, in Tallahassee, Leon County, Florida.



JOHN G. VAN LANINGHAM
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 16th day of September, 2016.

COPIES FURNISHED:

Paul J. Schwiep, Esquire
Coffey Burlington, P.L.
Penthouse 1
2601 South Bayshore Drive
Miami, Florida 33133
(eServed)

Stuart C. Poage, Esquire
Kubicki Draper
Suite 202
1705 Metropolitan Boulevard
Tallahassee, Florida 32312
(eServed)

John W. Forehand, Esquire
South Motors Automotive Group
16165 South Dixie Highway
Miami, Florida 33157
(eServed)

William Edward Van Cott
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room A-430
2900 Apalachee Parkway, Mail Stop 61
Tallahassee, Florida 32399
(eServed)

Jennifer Clark, Agency Clerk
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room A-430
2900 Apalachee Parkway, Mail Stop 61
Tallahassee, Florida 32399
(eServed)

Eric Barton, Esquire
Seyfarth Shaw LLP
Suite 2500
1075 Peachtree Street Northeast
Atlanta, Georgia 30309
(eServed)

William N. Berkowitz, Esquire
Seyfarth Shaw LLP
Suite 300
Two Seaport Lane
Boston, Massachusetts 02210

Barry Richard, Esquire
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, Florida 32301
(eServed)

Beth Ann Levene, Esquire
Williams and Connelly LLP
725 Twelfth Street, Northwest
Washington, DC 20005
(eServed)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

POMPANO IMPORTS, INC., d/b/a VISTA BMW)	
)	
Petitioner,)	Case Nos. 15-4822
)	15-4823
v.)	15-4966
)	15-4967
BMW OF NORTH AMERICA, LLC and AUTO COMPANY XXVII, INC., d/b/a BMW OF DELRAY BEACH,)	
)	
Respondents.)	
)	
)	

STIPULATION OF WITHDRAWAL

Petitioner Pompano Imports, Inc., d/b/a Vista Motor Company and Respondents BMW of North America, LLC and Auto Company XXVII, Inc., d/b/a/ BMW of Delray Beach hereby stipulate that the Petitions filed in all of the above-captioned matters shall be withdrawn with prejudice and with each party bearing its own costs and legal fees. The parties have resolved to their satisfaction all of the issues and claims asserted therein.

COFFEY BURLINGTON, P.L.

/s/ Kendall Coffey

Kendall Coffey, Esq.

kcoffey@coffeyburlington.com

Robert K. Burlington, Esq.

rkb@coffeyburlington.com

Paul J. Schwiep, Esq.

pshwiep@coffeyburlington.com

Coffey Burlington, P.L.

2601 South Bayshore Drive, Penthouse

Miami, Florida 33133

Dated: September 15, 2016

Counsel for Pompano Imports, Inc. d/b/a Vista

GREENBERG TRAUERIG, P.A.,

/s/ Barry Richard

Barry Richard, Esq.

richardb@gtlaw.com

Hilarie Bass, Esq.

bassh@gtlaw.com

Greenberg Traurig, P.A.

333 S.E. 2nd Avenue, Suite 4400

Miami, FL 33131

Telephone: (305)579-0500

Dated: September 15, 2016

*Counsel for Pompano Imports, Inc. d/b/a Vista
BMW*

KUBICKI DRAPER, P.A.

/s/ Stuart Poage

Stuart Poage, Florida Bar No. 388246

sp@kubickidraper.com

Kubicki Draper, P.A.

1705 Metropolitan Boulevard, Suite 202

Tallahassee, Florida 32308

Telephone: (850) 222-5188

Dated: September 15, 2016

Counsel for BMW of North America, LLC

SEYFARTH SHAW LLP,

/s/ William N. Berkowitz

William N. Berkowitz

wberkowitz@seymarth.com

John R. Skelton

jskelton@seymarth.com

Brandon L. Bigelow

bbigelow@seymarth.com

Seyfarth Shaw LLP

Two Seaport Lane, Suite 300

Boston, MA 02210

Telephone: (617) 946-4800

Dated: September 15, 2016

Counsel for BMW of North America, LLC

WILLIAMS & CONNELLY, LLP,

/s/ Daniel F. Katz

Daniel F. Katz, Esq.

dkatz@wc.com

Beth A. Levene, Esq.

blevene@wc.com

Williams & Connelly, LLP

725 Twelfth Street, N.W.

Washington, DC 20005

Dated: September 15, 2016

*Counsel for Auto Company XXVII, Inc., d/b/a
BMW of Delray Beach*