

**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 23<sup>rd</sup> 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 23<sup>rd</sup> 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](mailto:pshwiep@coffeyburlington.com)

Stuart C. Poage, Esquire  
Kubicki Draper  
1705 Metropolitan Boulevard, Suite 202  
Tallahassee, Florida 32312  
[sp@kubickidraper.com](mailto: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](mailto:ebarton@seyfarth.com)

William N. Berkowitz, Esquire  
Seyfarth Shaw, LLP  
Two Seaport Lane, Suite 300  
Boston, Massachusetts 02210  
[wberkowitz@seyfarth.com](mailto:wberkowitz@seyfarth.com)

Barry Richard, Esquire  
Greenberg Traurig, P.A.  
101 East College Avenue  
Tallahassee, Florida 32301  
[richardb@gtlaw.com](mailto:richardb@gtlaw.com)

Beth Ann Levene, Esquire  
Williams and Connelly, LLP  
725 12<sup>th</sup> Street Northwest  
Washington, DC 20005  
[blevene@wc.com](mailto: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.

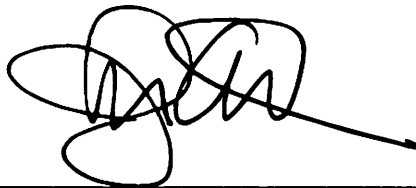
\_\_\_\_\_ /

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](mailto:kcoffey@coffeyburlington.com)

Robert K. Burlington, Esq.

[rkb@coffeyburlington.com](mailto:rkb@coffeyburlington.com)

Paul J. Schwiep, Esq.

[pshwiep@coffeyburlington.com](mailto: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](mailto:richardb@gtlaw.com)

Hilarie Bass, Esq.

[bassh@gtlaw.com](mailto: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](mailto: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](mailto:wberkowitz@seymarth.com)

John R. Skelton

[jskelton@seymarth.com](mailto:jskelton@seymarth.com)

Brandon L. Bigelow

[bbigelow@seymarth.com](mailto: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](mailto:dkatz@wc.com)

Beth A. Levene, Esq.

[blevene@wc.com](mailto: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*