

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**DOAH CASE NO.: 15-6003
MS CASE NO.: 15-1650
FINAL ORDER NO.: HSMV-15-1313-S-MS**

BEST BUY VEHICLES, INC.,

Petitioner,

vs.

**POLARIS SALES AND SERVICE, INC.
AND MARTIN COUNTY CYCLES, LLC,**

Respondent.

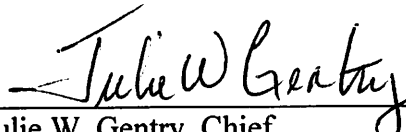
FINAL ORDER

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 E. Meale, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Respondent's Motion To Dismiss Proceeding And To 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 Martin County Cycles, LLC to sell motorcycles manufactured by Victory Motorcycles (VICO) at 8401 Southeast Federal Highway, Hobe Sound, Martin County, Florida 33462.

DONE AND ORDERED this 30th day of October, 2015, 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 30 day of October, 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.

JG/wev

Copies furnished:

James Buchheit
Best Buy Vehicles, Inc.
3525 South US Highway 1
Fort Pierce, Florida 34982

Michael Cantor
Martin County Cycles, LLC
1160 South Ocean Boulevard
Manalapan, Florida 33462

Tom Triano
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9955 59th Avenue North
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777 South Flagler Drive
Suite 1100, West Tower
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The Honorable Robert E. Meale
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

Nalini Vinayak
Dealer License Section

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BEST BUY VEHICLES, INC.,

Petitioner,

vs.

Case No. 15-6003

POLARIS SALES AND SERVICE, INC.
AND MARTIN COUNTY CYCLES, LLC,

Respondents.

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

On October 29, 2015, Respondent's motion to dismiss proceeding and to relinquish jurisdiction was filed. It is

ORDERED that:

1. The motion is granted.
2. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the referring agency.

DONE AND ORDERED this 29th day of October, 2015, in Tallahassee, Leon County, Florida.



ROBERT E. MEALE
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 29th day of October, 2015.

COPIES FURNISHED:

Jennifer Clark, Agency Clerk
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BEST BUY VEHICLES, INC.,

CASE NO.: 15-6003

Petitioner,

vs.

POLARIS SALES AND SERVICE, INC.,
AND MARTIN COUNTY CYCLES, LLC,

Respondents.

**RESPONDENT POLARIS SALES AND SERVICE, INC.'S MOTION
TO DISMISS PROCEEDING AND TO RELINQUISH JURISDICTION**

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

1. This proceeding was initiated at the request of the Florida Department of Motor Vehicles, Division of Motorist Services, in response to a protest filed by Petitioner Best Buy Vehicles, Inc. ("Best Buy"), pursuant to Florida Statutes Section 320.642. In relevant part, Best Buy has protested Polaris' Notice of Intent to establish Respondent Martin County Cycles LLC as a dealership for the sale of Polaris' line of Victory Motorcycles at 8401 Southeast Federal Highway, Hobe Sound, Florida 33455 ("the Notice of Intent").

2. On October 8, 2015, however, and prior to the commencement of this proceeding, Polaris filed formal notice of withdraw of the Notice of Intent with the Florida Division of Motor Vehicles, whereby Polaris withdrew its request that Martin County Cycles LLC be established as a Victory Motorcycles dealer. 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 Best Buy's protest. Rather, Best Buy's protest 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

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2015, I electronically filed the foregoing document with the Division of Administrative Hearings via eALJ, and served the foregoing documents via U.S. Mail on Michael Cantor, Martin County Cycles, LLC, 1160 S. Ocean Blvd., Manalapan, FL 33462; and James Buchheit, Best Buy Vehicles, Inc., 3525 South U.S. Highway 1, Fort Pierce, FL 34982.

/s/ Jonathan B. Butler

Jonathan B. Butler, Esq.

Florida Bar No. 56197

OCT 21 2015



Polaris Sales Inc.
9955 59th Ave North
Plymouth, MN 55442
763-542-0500
763-847-8149 fax

October 8, 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,

This letter is to inform you that the letter we sent dated August 7, 2015 asking that Martin County Cycles LLC be established as a Victory Motorcycle dealer for Polaris Sales Inc. is rescinded. Martin County Cycles LLC will be located at 8401 SE Federal Highway, Hobe Sound, FL 33455.

The establishment of Martin County Cycles LLC as a Indian Motorcycle dealer for Polaris Sales Inc. should still move forward.

Please let me know if there is any other information you need concerning this matter.

Sincerely,

Tom Triano
Director, Dealer Development

cc Best Buy Vehicles

