

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

**DOAH CASE NO.: 15-6004  
MS CASE NO.: 15-1651  
FINAL ORDER NO.: HSMV-15-1314-S-MS**

**TTB ENTERPRISES, INC. D/B/A  
GREATER MOTORSPORTS OF  
PALM BEACH,**

**Petitioner,**

**vs.**

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

**Respondent.**

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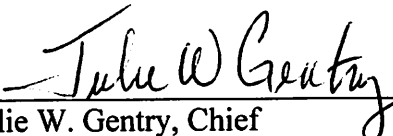
**FINAL ORDER**

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 30<sup>th</sup> 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:

Carrington M Lloyd, III  
TTB Enterprises, Inc.  
1466 North Military Trail  
West Palm Beach, Florida 33409

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

Tom Triano  
Polaris Sales and Service, Inc.  
9955 59<sup>th</sup> Avenue North  
Plymouth, Minnesota 55442

Jonathan Brennen Butler, Esquire  
Akerman, LLP  
777 South Flagler Drive  
Suite 1100, West Tower  
West Palm Beach, Florida 33401

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

TTB ENTERPRISES, INC.,  
d/b/a GREATER MOTORSPORTS OF  
PALM BEACH,

Petitioner,

vs.

Case No. 15-6004

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

Respondents.

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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.



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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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Neil Kirkman Building, Room A430  
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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

TTB ENTERPRISES, INC., d/b/a GREATER  
MOTORSPORTS OF PALM BEACH,

CASE NO.: 15-6004

Petitioner,

vs.

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

Respondents.

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**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 TTB Enterprises, Inc. ("TTB Enterprises"), pursuant to Florida Statutes Section 320.642. In relevant part, TTB Enterprises 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 TTB Enterprises' protest. Rather, TTB Enterprises' 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

777 South Flagler Drive, Suite 1100 West

West Palm Beach, FL 33401

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E-mail: [jonathan.butler@akerman.com](mailto:jonathan.butler@akerman.com)

Secondary e-mail: [luke.bovat@akerman.com](mailto:luke.bovat@akerman.com)

#### **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 Carrington M. Lloyd, III, Greater Motorsports of Palm Beach, 1466 N. Military Trail, West Palm Beach, FL 33409.

/s/ Jonathan B. Butler

Jonathan B. Butler, Esq.

Florida Bar No. 56197

OCT 21 2015



Polaris Sales Inc.  
9955 59<sup>th</sup> 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

