

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

ED HOWARD LINCOLN-MERCURY, INC.
d/b/a ED HOWARD MAZDA,

Petitioner,

vs.

HSMV Case No.: MS-22-022

PERFORMANCE MOTORS USA INC. d/b/a
MAZDA OF PORT CHARLOTTE and
MAZDA MOTOR AMERICA, INC. d/b/a
MAZDA NORTH AMERICAN
OPERATIONS,

DOAH Case No.: 22-0263

Respondents.

**FINAL ORDER NO. : FLHSMV 2022
HSMV-22-0104-FOI-MS**
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FINAL ORDER

This matter comes before the Department of Highway Safety and Motor Vehicles for entry of a final order upon submission of the Order Closing File and Relinquishing Jurisdiction issued March 25, 2022, by the Honorable John D. C. Newton II, Administrative Law Judge of the Division of Administrative Hearings, based on Petitioner’s Notice of Withdrawing Protest, filed March 25, 2022, copies of which are attached and incorporated by reference in this order.

Petitioner’s protest having been withdrawn, the petition is **DISMISSED**, Respondents’ application is **GRANTED**, and the case is **CLOSED**. If the applicant meets all other requirements for licensure, the Bureau of Dealer Services may issue a license for the proposed establishment of PERFORMANCE MOTORS USA INC. d/b/a MAZDA OF PORT CHARLOTTE as a franchise motor vehicle dealer in Charlotte County for the sale of automobiles manufactured by Mazda (line-make MAZD).

DONE AND ORDERED this 28th day of March, 2022, at Tallahassee, Leon County, Florida.



Robert Kynoch, Director of Motorist Services
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, Florida 32399

FILED FLHSMV AGENCY CLERK
MAR 28 2022
MS-22-022

COPIES FURNISHED this 28th day of March, 2022, to:

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NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in § 120.68, Fla. Stat., and Fla. R. App. P. 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Fla. R. App. P. 9.110(d) and must be filed within thirty (30) days of rendition of this final order.

Filing with the Agency Clerk may be accomplished by U.S. mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Joseph Gillespie, DHSMV Agency Clerk, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, MS-2, Tallahassee, Florida 32399. The facsimile number is (850) 617-5112. The email address is OGCFiling@flhsmv.gov.