

BUTLER AUTO RECYCLING, INC.
6401 N. PALAFOX STREET
PENSACOLA, FL 32503,

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§

STATE OF ALABAMA
DEPARTMENT OF REVENUE
ADMINISTRATIVE LAW DIVISION

Petitioner,

§

DOCKET NO. S. 07-115

v.

§

STATE OF ALABAMA
DEPARTMENT OF REVENUE.

§

FINAL ORDER DENYING DEPARTMENT'S APPLICATION FOR REHEARING

This appeal involves the Department's denial of an Alabama buyer's identification card requested by the above Petitioner. A Final Order was entered on March 16, 2007 holding that the Petitioner's Florida license was equivalent to an Alabama dismantler and recycler license, and consequently, that the Department should issue the Petitioner a buyer's card. That finding was based on statements in a March 1, 2007 letter submitted by the Petitioner from the Deputy Chief of Florida's Division of Motor Vehicles.

The Department applied for a rehearing, arguing that "Florida does not offer a license for the purpose of dealing in salvage motor vehicles or salvage parts." It contended that the March 1, 2007 letter from the Florida Division of Motor Vehicles should not have been relied on by the Administrative Law Division because it was not addressed to the Petitioner.

The Petitioner was directed to obtain from the Florida Division of Motor Vehicles a letter or other document verifying the statements in the March 1, 2007 letter. The Petitioner has responded by submitting an April 18, 2007 letter addressed to the Petitioner from the Deputy Chief of the Florida Division of Motor Vehicles. The letter, a copy of which is attached to this Final Order, reads in part as follows:

This letter is written to clarify the type of license issued to salvage vehicle dealers. Florida does not issue a "salvage dealer license." Instead, we issue an independent dealer license to any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purposes of reselling them and their parts. This license allows the dealer to buy and sell used cars whether salvage or not. Dealers may purchase these vehicles from individuals, other dealers, or at auction.

The above letter verifies that the Petitioner's Florida independent dealer license is equivalent to Alabama's dismantler and recyclers license. The Department's application for rehearing is denied. The March 16, 2007 Final Order is affirmed

This Final Order on Department's Application for Rehearing may be appealed to circuit court within 30 days pursuant to Code of Ala. 1975, §40-2A-9(g).

Entered May 2, 2007.

BILL THOMPSON
Chief Administrative Law Judge

bt:dr

cc: Duncan R. Crow, Esq. (w/enc.)
Jim Butler
Joe Cowen
Curtis Stewart