

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

AP# 15-002

LOUIS AND TAMMY VINCENT

vs.

BREEDEN DODGE CHRYSLER JEEP INC.

NOTICE OF VIOLATION

IT HAS BEEN determined by the Arkansas Motor Vehicle Commission (hereinafter "Commission") that Breeden Dodge Chrysler Jeep Inc. (hereinafter "Breeden"), a licensed dealer, violated the motor vehicle commission statute when they failed to properly disclose the available warranty. This action is in direct violation of the Arkansas Motor Vehicle Commission Act, Ark Code Ann. §23-112-101, et seq., pursuant to Ark. Code Ann. §23-112-204. If the Commission determines that a firm or individual violated the Commission Act or Rules, the Commission may revoke or suspend the license, or impose a monetary penalty in lieu of revocation or suspension if the public interest would not be impaired thereby and the payment of the penalty will achieve the desired disciplinary results.

FACTUAL BACKGROUND

The Commission finds the following facts as true:

- F1. Breeden is a licensed new motor vehicle dealer located at 5900 Highway 71 S, Fort Smith, AR.
- F2. On January 3, 2015, Louis and Tammy Vincent purchased a new 2014 Dodge Ram 1500 with 207 miles on the odometer.

- F3. Mr. and Mrs. Vincent filed a notarized complaint detailing issues with the tires and rims.
- F4. While investigating this complaint, Commission Investigator Gordon McCoy and Director Greg Kirkpatrick confirmed with Chrysler Motors that Mr. and Mrs. Vincent's truck was actually a program vehicle with a warranty start date of December 11, 2013, rather than the vehicle purchase date of January 3, 2015. This fact was not disclosed to Mr. and Mrs. Vincent.
- F5. The Commission's ad hoc committee met on July 9, 2015, and made a recommendation which was approved during the July 15 Commission meeting to issue a Notice of Violation to Breedon.

APPLICABLE LAW

- L1. Motor vehicle dealers are required to conform their conduct to the Motor Vehicle Commission Act, Ark. Code Act § 23-112-101, *et seq.* and the Rules promulgated by the Commission pursuant to Ark. Code Act § 23-112-204.
- L2. Failure to comply with any provision of the AMVC Act may lead to revocation or suspension of the license as per Ark. Code Ann. § 23-112-308(a)(4). The Commission may issue a monetary penalty in lieu of revocation or suspension as per Ark. Code Ann. § 23-112-309.
- L3. Pursuant to Ark. Code Ann. § 23-112-308, the Commission may suspend or revoke a license for any of the following reasons:
- A. For failure to comply with any provisions of this chapter or with any rule or regulation promulgated by the commission, Ark. Code Ann. § 23-112-308(a)(4);

- B. For continued violation of any provisions of this chapter or any of the rules of the Commission, Ark. Code Ann. § 23-112-308(a)(6);
- C. For any violation of any law relating to the sale of motor vehicles, Ark. Code Ann. § 23-112-308(a)(7);
- D. Defrauding any retail buyer to the buyers damage, Ark. Code Ann. § 23-112-308(a)(8);

CHARGE

- C1. Breeden violated the Motor Vehicle Commission Act when it failed to notify Mr. and Mrs. Vincent regarding the program status of their vehicle and the available warranty. This charge is based on the facts relating to Breeden's dealings with Mr. and Mrs. Vincent and the provisions of law set out in paragraphs L1, L2, and L3.

AS A RESULT OF THESE VIOLATIONS, you are hereby directed to pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Commission finds that in lieu of a suspension of Breeden's license the public interest would not be impaired and the payment of a penalty will achieve the desired disciplinary result by issuing a monetary penalty against Breeden in accordance with Ark. Code Ann. § 23-112-309 in the amount of five hundred dollars (\$500.00) per day for five (5) days for an aggregate amount of two thousand five hundred dollars (\$2,500.00).

This amount should be sent to the Commission within seven (7) days of receipt of this Notice of Violation.

IF YOU DESIRE TO CONTEST the alleged violation or the penalty imposed, please so indicate on the attached form and return to the Commission Office within seven (7) days and this matter will be set for an evidentiary hearing before the Commission.

ARKANSAS MOTOR VEHICLE COMMISSION

By: 
Greg Kirkpatrick, Director

Date: 7/24/2015