

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

AP# 15-003

GREG HICKS

vs.

JOE LEE CHEVROLET

NOTICE OF VIOLATION

IT HAS BEEN determined by the Arkansas Motor Vehicle Commission (hereinafter "Commission") that Joe Lee Chevrolet (hereinafter "Joe Lee"), a licensed dealer, violated the motor vehicle commission statute when they failed to install the correct tires on a vehicle. 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. Joe Lee is a licensed new motor vehicle dealer located at 1820 Hwy 65 S, Clinton, AR.
- F2. On February 21, 2015, Greg Hicks purchased a used 2013 Chevrolet 2500 HD EXT Cab. Included on the Buyer's Order under the section *Dealer Installed*

Equipment & Accessories is the notation “Nerf Bars and 2 New Rear Tires Installed - N/C.”

- F3. Mr. Hicks filed a notarized complaint on April 30, 2015, detailing that four (4) new tires which were not correctly sized for his truck were installed.
- F4. Commission Investigator Gordon McCoy confirmed the four (4) new tires that were installed on Mr. Hicks Chevrolet 2500 were not the correct size tires according to the manufacturer specifications. The four (4) new tires installed on Mr. Hicks truck did not meet the performance ratings for a truck of the size purchased by Mr. Hicks.
- 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 Joe Lee Chevrolet.

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); and,
- E. Failure to perform any written agreement with any retail buyer, Ark. Code Ann. § 23-112-308(a)(9).

CHARGE

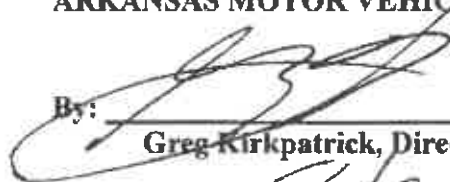
- C1. Joe Lee violated the Motor Vehicle Commission Act when it failed to install the correctly rated tires on Mr. Hicks vehicle. This charge is based on the facts relating to Joe Lee's dealings with Mr. Hicks and the provisions of law set out in paragraphs L1, L2, and L3.

AS A RESULT OF THESE VIOLATIONS, you are hereby directed to pay a civil penalty in the amount of four hundred dollars (\$400.00). The Commission finds that in lieu of a suspension of Joe Lee'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 Joe Lee in accordance with Ark. Code Ann. § 23-112-309 in the amount of five hundred dollars (\$400.00).

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: 8/21/2015