

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

H # 09-001

JONESBORO CYCLE & ATV

AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the “Commission”) held a hearing on April 15, 2009, to determine whether Jonesboro Cycle & ATV violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concerned whether Jonesboro Cycle & ATV violated Commission statutes.

The Respondent, Jonesboro Cycle & ATV, was not present.

After hearing testimony from Commission Investigator Otis Hogan, License Supervisor Vicki Wright, Executive Secretary Angela Stoffer, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On Wednesday, August 27, 2008, Commission Investigator Otis Hogan traveled to Jonesboro, Arkansas, and discovered that Jonesboro Cycle and ATV, a licensed new motor vehicle dealer at 2711 S. Caraway Road, Jonesboro, had moved its operation to a location on Stadium Boulevard.
- F2. Investigator Hogan notified Commission License Supervisor, Vicki Wright, of this move. Mrs. Wright informed Investigator Holmes that Jonesboro Cycle and ATV was not licensed at the new Stadium Boulevard location.
- F3. Mrs. Wright then contacted the owners of Jonesboro Cycle & ATV, Hemant Patel and Ben Kisling, and informed them to send the necessary forms to become licensed at the new location.

- F4. On Friday, September 19, 2008, Investigator Hogan saw an advertisement for Jonesboro Cycle & ATV in “The Merchandiser”, a local advertising publication dated September 18-24, 2008. The address listed in the advertisement was 2829 Stadium Boulevard. Jonesboro Cycle and ATV were still licensed by the Commission at 2711 S. Caraway Road.
- F5. As of November 20, 2008, the Commission has not received the necessary paperwork to license the new location for Jonesboro Cycle and ATV.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Commission makes the following

Conclusion of Law:

- C1. Jonesboro Cycle & ATV violated Commission statutes by operating it’s dealership at an unlicensed location.

ORDER

The Commission finds the violations of Commission statutes by Jonesboro Cycle & ATV warrants a total civil penalty of two thousand dollars (\$2,000.00) which is to be paid within thirty (30) days of receipt of this Order.

This is a final Order of the Commission and as such is subject to judicial review pursuant to Ark. Code Ann. § 25-15-212.

ARKANSAS MOTOR VEHICLE COMMISSION

By _____
Joe Morgan, Chairman

Date: _____