

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**H# 14-009**

**RANDAL TYLER FORD**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on April 16, 2014, to determine whether Randal Tyler Ford (hereinafter "Tyler Ford") utilized false and misleading advertising in violation of the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals. The charges before the Commission concerned whether Tyler Ford violated Commission statutes and the Advertising Rule when they advertised a sale price utilizing limited rebates.

Mike Mitchell represented the Respondent as legal counsel.

Having heard testimony from Director Greg Kirkpatrick, and having reviewed the exhibits admitted into evidence by the Commission, the Commission makes the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

- F1. Tyler Ford is a licensed new motor vehicle dealer in Booneville, Arkansas.
- F2. Tyler Ford advertised in the Times Record on Friday, September 20, 2013.
- F3. On September 20, 2013, Tyler Ford advertised several vehicles by sale price that offered a range of customer cash and retail trade assistance discounts not available to all consumers.
- F4. Respondent has been fined on four previous occasions for advertising violations.

- F5. On October 30, 2013, the Commission issued a Notice of Violation, AP# 13-005, in which the Ad Hoc Committee recommended a fine of five thousand dollars (\$5,000.00). On February 24, 2014, Tyler Ford contested the allegations set forth in the Notice of Violation.
- F6. Paragraphs F1 through F5 were established as true through testimony.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

- C1. Respondent Tyler Ford violated Commission statutes and rules when they advertised a sale price utilizing limited rebates in accordance with Ark Code Ann. § 23-112-308 and Rule 3 on Advertising.

### **ORDER**

The Commission finds the violations of Commission statutes and rules by Tyler Ford warrant a suspension of Respondent's license for failure to comply with provisions of the Commission Act and Rules promulgated by the Commission as per Ark. Code Ann. § 23-112-308(a)(4).

The Commission finds that in lieu of a suspension of Randal Tyler'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 Tyler Ford in accordance with Ark. Code Ann. § 23-112-309 in the amount of five thousand dollars (\$5,000.00). The Commission further finds that three thousand dollars (\$3,000.00) of this penalty be paid within 30-days of the service of this final order, and the remaining two thousand dollars (\$2,000.00) is suspended and not required to be paid at this time. Additionally,

Tyler Ford is to be placed on probation for a period of two years. If another violation occurs within that two-year period that is found by the Commission, then the two thousand dollars (\$2,000.00) suspended penalty shall be activated and become due in addition to any other penalty that might be afforded in that subsequent proceeding. If, however, at the end of the two-year probationary period there has been no further violation, then the two thousand dollars (\$2,000.00) is waived.

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

F. S. Stroope

Sandy Stroope, Chairman

Date:

4-22-2014