

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

H#10-001

NEW HOPE RV'S

vs.

WINNEBAGO INDUSTRIES

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the "Commission") held a hearing on March 17, 2010, to determine whether Winnebago Industries (hereinafter "Winnebago") violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. §23-112-101 *et. seq.* The charges before the Commission concerned whether Winnebago failed to complete statutory termination obligations with New Hope RV's located at 317 N. 6th Place, in Lowell, Arkansas as alleged in complaint #09-029.

The Complainant, New Hope RV's, was represented by Roger Frakes.

The Respondent, Winnebago Industries, was represented by Dennis Shaw, Roger Martin and Legal Counsel Tom Stone.

After hearing testimony from Roger Frakes, Dennis Shaw, Roger Martin, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On June 30, 2009, New Hope RV's sent Winnebago a notice of termination.
- F2. At the time of the termination notice, New Hope RV's had seven (7) units in its inventory eligible for repurchase.

- F3. On November 16, 2009, New Hope RV's filed a complaint with the Commission alleging Winnebago failed to repurchase the remaining five (5) eligible units in inventory, and owed New Hope RV's for the accrued interest on the floor plan for these units.
- F4. On March 17, 2010, the Commission held a hearing on this matter and New Hope RV's stated it currently had four (4) units eligible for repurchase in inventory.

CONCLUSION OF LAW

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

Conclusion of Law:

- C1. Winnebago did not meet its repurchase obligations on five (5) units following termination by New Hope RV's.
- C2. Winnebago is required to pay interest due on the above referenced unit's.

ORDER

The Commission finds that the violations by Winnebago require Winnebago to repurchase the four (4) remaining units and to pay interest on the floor plan for five (5) units from July 1, 2009, until the units are repurchased as indicated by Claimants Exhibit 1.

This document 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: _____