

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**H# 15-016**

**SOUTHERN ELEGANCE MFG, LLC, DBA GOLF CARS OF ARKANSAS**

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

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on October 21, 2015, to determine whether Southern Elegance MFG, LLC, dba Golf Cars of Arkansas (hereinafter "Golf Cars"), a licensed dealer, violated the Arkansas Motor Vehicle Commission Act, pursuant to Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals. The charge before the Commission concerned whether Golf Cars violated Ark. Code Ann. § 23-112-308 by failing to maintain the qualifications for a license.

Ronald Fair appeared and provided testimony and evidence on behalf of Golf Cars as the Respondent.

Having heard testimony from the Respondent, License Supervisor Vicki Wright, and having reviewed the exhibits admitted into evidence, the Commission makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

The following facts are found to be true:

- F1. Golf Cars, located at 6122 Carnegie Drive, North Little Rock, Arkansas, is a new motor vehicle dealer licensed to sell Club Car products.
- F2. The Commission received notification in a letter dated March 9, 2015, that Golf Cars surety bond, number 15252502, would be canceled and voided as of April 20, 2015.

- F3. License Supervisor Vicki Wright notified Golf Cars on March 20, 2015, of this bond cancellation. On June 5, 2015, Mrs. Wright followed up this contact with a notice to Golf Cars advising the dealer the Commission still had not received a new bond.
- F4. On June 17, 2015, the Commission received a copy of Golf Cars new bond, number 62429037, which was dated June 12, 2015.
- F5. Mrs. Wright informed Golf Cars by phone the Commission needed an original bond. This original was not received.
- F6. The Commission received notification in a letter dated August 5, 2015, that Golf Cars surety bond, number 62429037, would be canceled and voided as of September 16, 2015.
- F7. Mrs. Wright notified Golf Cars on August 12, 2015, of this bond cancellation.
- F8. As of September 18, 2015, the Commission has not received a new bond.

### **CONCLUSIONS OF LAW**

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

- C1. Motor vehicle dealers and their representatives are required to conform their conduct to the Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101, et seq., and the rules and regulations promulgated by the Commission pursuant to Ark. Code Ann. § 23-112-204.
- C2. According to Ark. Code Ann. § 23-112-301, it is unlawful for a person to engage in business as a new motor vehicle dealer without a obtaining license.

- C3. According to Ark. Code Ann. § 23-112-302(c), new motor vehicle dealers must file a fifty thousand dollar (\$50,000.00) surety bond with the Commission to obtain a license.
- C4. Failure to comply with any provision of the Commission Act or any Rule promulgated by the Commission may lead to revocation or suspension of the license as per Ark. Code Ann. § 23-112-308(a)(4) and (a)(19), or may result in a monetary penalty in lieu of revocation or suspension as stated in Ark. Code Ann. § 23-112-309.
- C5. Golf Cars violated the Motor Vehicle Commission Act when it failed to maintain its bond.

**ORDER**

The Commission determined that in light of the evidence that Golf Cars obtained a bond prior to the hearing, a letter of warning to maintain a valid bond is sufficient to issue to Golf Cars.

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**

*F. S. Stroope*  
By: \_\_\_\_\_  
Sandy Stroope, Chairman

Date: 11-3-15