

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

H# 15-014

APT GROUP INC. DBA MOTOVOX

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 APT Group Inc. DBA Motovox's (hereinafter "Motovox"), a licensed distributor, 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 Motovox violated Commission statutes when they failed to renew the business's distributor's license.

No Motovox representative appeared for this hearing.

Having heard testimony from License Supervisor Vicki Wright, Director Greg Kirkpatrick, 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. Motovox, located at 8844 Hillcrest Rd., Kansas City, Missouri, is a new motor vehicle distributor currently licensed to sell Motovox Mini Bikes, and Go-Karts.
- F2. Motovox's license expired on June 30, 2015.
- F3. On August 6, 2015, License Supervisor Vicki Wright notified Motovox that its distributor license expired.
- F4. Motovox currently has no dealers.

F5. As of September 17, 2015, Motovox has not renewed its license.

CONCLUSIONS OF LAW

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

- C1. Motor vehicle manufacturers, distributors, 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 manufacturer or distributor without a obtaining a license.
- C3. All applications for licenses shall be accompanied by the appropriate fees in accordance with the schedule set out in Ark. Code Ann. § 23-112-303.
- C4. According to Ark. Code Ann. § 23-112-307(1), manufacturers, distributors, and representatives licenses expire on June 30 following the date of issue.
- C5. 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 only if it formally finds that the public interest would not be impaired thereby and the payment of the penalty will achieve the desired disciplinary results as per Ark. Code Ann. § 23-112-309.
- C6. Motovox violated the Motor Vehicle Commission Act when it failed to revnew its distributor's license.

ORDER

The Commission finds the violations of Commission statutes and rules by Motovox warrant a revocation of Motovox'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).

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: November 3, 2015