

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

ROLL OUT

HEARING # 11-008

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the "Commission") held a hearing on September 21, 2011, to determine whether Roll Out's license to sell new motor vehicles should be reinstated after being suspended on August 17, 2011 in accordance with the provisions of the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals.

The Respondent was represented by Clarence Walters.

After reviewing testimony from Investigator Danny Holmes, investigation documents, and consumer documents presented by Roll Out the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. Roll Out, located at 7706 Cantrell Road, Suite 2, in Little Rock, Arkansas, is a new motor vehicle dealer licensed to sell Roketa Goldenvale, JCL International, and Peace Power Sports.
- F2. The Commission has received a number of complaints forwarded from the Arkansas Attorney General's Consumer Protection Division, and a number of notarized complaints filed against Roll Out by consumers.
- F3. Several of the complaints include failure to deliver purchased vehicles and failure to deliver purchased and promised accessories.

- F4. Roll Out relocated in 2009 from 8212 Cantrell Road, Little Rock, Arkansas, to 7706 Cantrell Road, Suite 2, Little Rock, Arkansas, and failed to notify the Commission. The relocation documents were received following an investigation by the Commission, #09-946.
- F5. Following this relocation, Roll Out has failed to install a sign on the new dealership facility. Roll Out has failed to maintain three (3) years worth of business records in a manner to provide ease of access for inspection.
- F6. Roll Out's 2009 new motor vehicle dealer license expired on December 31, 2009, and its 2010 license renewal was not completed until March 23, 2010. Roll Out's 2010 new motor vehicle dealer license expired on December 31, 2010, and its 2011 license renewal was not completed until March 1, 2011.
- F7. Roll Out's license was temporarily suspended during the hearing held on August 17, 2011 due to numerous complaints from consumers and their failure to meet Rule 4 Facility Requirements.
- F8. Roll Out presented letters from the consumers who filed notarized complaints stating their complaints have been satisfied.
- F9. Commission Investigators have found Roll Out has met the Commission requirements outlined in Rule 4 Facility Requirements.

CONCLUSION OF LAW

Based on the foregoing Findings of Facts, the Commission makes the following Conclusion of Law.

- C1. Roll Out has supplied consumers with purchased vehicles, purchased accessories and is offering required service to the new motor vehicles consumers.

C2. Roll Out has met the Commission statutes and rules by complying with the facility requirements.

ORDER

The Commission finds that Roll Out, located at 7706 Cantrell Road, Suite 2, in Little Rock, Arkansas, license is hereby reinstated.

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: _____