

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**H # 09-010**

**R C D HOLDINGS**

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

The Arkansas Motor Vehicle Commission (hereinafter the “Commission”) held a hearing on August 19, 2009, to determine whether R C D Holdings violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concerned whether R C D Holdings violated Commission statutes.

The Respondent, R C D Holdings, was not present.

After hearing testimony from Commission Executive Director Greg Kirkpatrick, Investigator Danny Holmes, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACTS**

- F1. On December 3, 2008, Investigator Holmes traveled to Springdale, Arkansas, and found two utility vehicles on display and offered for sale at Burton Pools and Spas.
- F2. Investigator Holmes spoke with Johnny Hardcastle, a sales person, who offered to sell Mr. Holmes one of the utility vehicles.
- F3. Investigator Holmes spoke with Mr. Hardcastle and informed him that he must be licensed to sell new motor vehicles in the State of Arkansas, and was in violation of Commission statutes. Mr. Hardcastle was unaware of the license requirement and agreed to remove the vehicles from view of the public.
- F4. Mr. Hardcastle directed Mr. Holmes to Mr. Bob Moore, the owner of Burton Pools and Spas. Mr. Moore stated he had purchased the vehicles from RCD in Texarkana, Arkansas.

- F5. On April 9, 2009, the Commission issued AP# 09-003 Notice of Violation in which the ad hoc Committee recommended a fine of one thousand dollars (\$1,000.00). On April 27, 2009, RCD contested the allegations set forth in the Notice of Violation.
- F6. RCD was provided proper notice of the August 19, 2009, hearing as detailed in testimony provided by Mr. Kirkpatrick.

**CONCLUSION OF LAW**

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

- C1. R C D Holdings violated Commission statutes when it distributed product to an unlicensed dealer.

**ORDER**

The Commission finds the violations of Commission statutes by R C D Holdings warrants a total civil penalty of one thousand dollars (\$1,000.00) which is to be paid within thirty (30) days of receipt of this Order.

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:** \_\_\_\_\_