

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

CASE NO. H# 04-013

SHERWOOD PONTIAC BUICK GMC

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Commission (hereinafter "Commission") conducted a hearing, at its meeting on August 18th, 2004, on the issue of whether Sherwood Pontiac Buick GMC (hereinafter "Sherwood") had violated the Arkansas Motor Vehicle Commission Act and Rules. Mr. Carl Reed, the dealer principal, and Rick Brazil, the sales manager, appeared on behalf of Sherwood. The Commission staff was represented by Assistant Attorney General Larry Crane.

FINDINGS OF FACT

Based on the testimony of Commission staff, and Mr. Johnny Bateman, the complainant, the Commission finds that Sherwood caused a newspaper advertisement to be printed in the Arkansas Democrat Gazette, on February 28th, 2004, which reported that Sherwood had available for sale one new 2004 GMC Envoy XL at a sales price of \$26,833. The advertisement contained no disclosures which would enable the consumer to purchase the vehicle for the advertised price. No consumer qualifications, specific to the purchase, were printed in the advertisement.

The Commission finds the advertisement false and misleading.

CONCLUSIONS

False and misleading advertisements are prohibited by A.C.A. § 23-112-402(3). The Commission concludes that the aforementioned advertisement was made in violation of A.C.A. § 23-112-402(3) and Rule 3, Advertising Subsection 4 (D) Any rebate,

discount, cashback, or other incentive which is not available to all consumers shall be explained by stating the limitations of that incentive.

ORDER

The Commission determined that the appropriate disposition in this case is the imposition of a civil penalty in the amount of \$1000.00, said amount to be paid to the Commission within 7 days following the receipt of the entry of this Order.

**ARKANSAS MOTOR VEHICLE
COMMISSION**

By: _____
Bobby Ferguson, Chairman

Date: _____