

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

CASE NO. H#04-008

CRAIN KIA

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

On April 21st, 2004, the Arkansas Motor Vehicle Commission (hereinafter “Commission”) held a meeting to determine whether Crain Kia, the Respondent, violated the Arkansas Motor Vehicle Law and Rules promulgated therein.

Mr. Mike Fleeman, Manager of Crain Kia, appeared on behalf of the Respondent. Assistant Attorney General Arnold M. Jochums appeared on behalf of the Commissions staff.

FINDINGS OF FACT

1. That in late September 2003, Crain Kia held an off-premises sale of used cars at McCain Mall in North Little Rock, Arkansas.
2. The staff observed two new Kia automobiles (with Monroney labels) displayed for and intermingled with the used Kia vehicles on display.
3. Although Respondent claimed that these new cars were present because they have been driven there by staff members and were not intended to be part of the sale, members of the public would reasonably conclude that these new Kia ’s were being offered for sale at the event.

CONCLUSIONS OF LAW

Licensed new motor vehicle dealers are not allowed to sell products except at their licensed dealership pursuant to A.C.A. § 23-112-308(a)(10).

The acts described above constitute an unlawful sale of new motor vehicles off the dealership premises which is a violation of the aforementioned statute.

The Commission determines that the appropriate disposition in this case is the imposition of a civil penalty of \$1,000.00.

**ARKANSAS MOTOR VEHICLE
COMMISSION**

By: _____
Bobby Ferguson, Chairman

Date: _____