

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

H# 14-010

HOMETOWN ATV & MORE, HAMPTON, ARKANSAS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on May 21, 2014, to determine whether HomeTown ATV and More, Hampton, Arkansas, (hereinafter "HomeTown") violated Ark. Code Ann. § 23-112-101 et seq., and the Rules promulgated by the Commission pursuant to Ark. Code Ann. § 23-112-204. The charge before the Commission concerned whether HomeTown failed to meet and maintain the facility requirements for the dealership.

The Respondent, HomeTown, did not appear. Chad Edwards, the owner of HomeTown, provided notice in a May 21, 2014, email marked as Commission Exhibit 5 that he was closing HomeTown effective May 21, 2014.

Having heard testimony from Director Greg Kirkpatrick, Licensing Supervisor Vicki Wright, and Investigator Gordon McCoy, and having reviewed the exhibits admitted into evidence by the Commission, the Commission makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- F1. HomeTown, located at 219 North Lee St., in Hampton, Arkansas, is a new motor vehicle dealer licensed to sell Tao Tao Scooters, ATV's and Carts.
- F2. On October 16, 2013, Investigator Gordon McCoy traveled to HomeTown to conduct a dealer courtesy review. At the time of Mr. McCoy's review, the following conditions existed:

- A. The facility was not open for business;
 - B. The hours of operation were not posted;
 - C. The business sign was not permanently affixed on the premises of the facility, and the business sign was not visible from the road;
 - D. HomeTown shares a business location and facility with Carry Out Bar-B-Q. Carry Out Bar-B-Q business was established in that facility between the initial licensing and Investigator McCoy's dealer courtesy review;
 - E. Investigator McCoy did not see any vehicles present at HomeTown; and,
 - F. Chad Edwards' brother routinely opens the location only on the weekend and holidays.
- F3. An additional, subsequent visit by Mr. McCoy, on November 26, 2013, resulted in the same results as the October 16, 2013, visit.

CONCLUSIONS OF LAW

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

- C1. HomeTown violated Commission statutes and rules when they failed to meet and maintain the facility requirements for the dealership in accordance with Ark. Code Ann. § 23-112-308 and Rule 4 on Facility Requirements.

ORDER

The Commission finds the violations of Commission statutes and rules by HomeTown warrant a revocation of Respondent'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.

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: *Bobby Ferguson*
Bobby Ferguson, Vice Chairman

Date: *6-18-14*