

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

CASE NO. H# 04-001

CRAIN-FORD BENTON

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Commission (hereinafter “Commission”) conducted a hearing on the issue of whether Crain-Ford Benton had violated the Arkansas Motor Vehicle Commission Act and Rules at its meeting on April 21st, 2004. Mr. Chris Byrd, the manager of Crain-Ford Benton, appeared on behalf of the Respondent. The Commission staff was represented by Assistant Attorney General Arnold M. Jochums.

FINDINGS OF FACT

Based on the testimony of Commission staff, the Commission finds that Respondent caused a radio advertisement to be played on local radio stations. The advertisement reported that Respondent had available additional incentives that were approved by the Ford Motor Company and which were not available through any other Ford dealership in the Ford dealership network.

The Commission finds the advertisement was 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 2, General Advertising Guidelines for Sale or Lease of New and Used Motor Vehicles (A).

ORDER

The Commission determines that the appropriate disposition in this case is the imposition of a civil penalty in the amount of \$3000.00, said amount to be paid to the Commission within 7 days of the entry of this Order.

**ARKANSAS MOTOR VEHICLE
COMMISSION**

By: _____
Bobby Ferguson, Chairman

Date: _____