

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 08-008

**DKA ENTERPRISES INC. dba XTREME MACHINES
DARRELL AULTMAN**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter the “Commission”) held a hearing on June 18, 2008, to determine whether DKA Enterprises Inc. dba Xtreme Machines (hereinafter “Xtreme”) and Darrell Aultman violated the Arkansas Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101 et seq. The charges before the Commission concern whether Xtreme and Darrell Aultman violated Commission statutes by selling new motor vehicles at a location other than that set forth on Xtreme’s dealer license.

The Respondent, Darrell Aultman, represented himself.

After hearing testimony from Greg Kirkpatrick, Angela Stoffer, Darrell Aultman, Rick Stuckey, Clay Whitey, Bill Talbert, and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On Saturday, February 2, 2008, Commission Investigator Danny Holmes attended the Sports Show located in the Arkansas State University Convocation Center, in Jonesboro, Arkansas.
- F2. Mr. Holmes observed a Bad Boy Buggy Utility Vehicle displayed and offered for sale.
- F3. As Mr. Holmes approached the booth, he was greeted by Mr. Darrell Aultman owner of Xtreme.

- F4. As Mr. Holmes was taking pictures of the vehicle, he was approached by a sales person and given a price list.
- F5. Xtreme's name was not submitted as an attendee for the Off-Premise Sale permit. Additionally, Xtreme is located in Cabot, Arkansas, in Pulaski County. Pulaski County is not contiguous to Craighead County which was the host county for the Sports Show event. As a result, Xtreme would not have been approved to attend the Off-Premise Sale.

CONCLUSIONS OF LAW

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

- C1. DKA Enterprises Inc. dba Xtreme Machines and Darrell Aultman violated the following Commission statutes and rules when a new motor vehicle was displayed and offered for sale from a location other than that set forth on Xtreme's dealer license:
- A. Pursuant to Ark. Code Ann. § 23-112-308, the Commission may suspend a license for any of the following reasons:
- i. For any violation relating to the sale, distribution, or financing of motor vehicles, Ark. Code Ann. §23-112-308(a)(7).
 - ii. Selling or attempting to sell, or advertising for sale vehicles from a location other than that set forth on the license, Ark. Code Ann. §23-112-308(a)(10).
- B. Rule 7 Off-Premise Sales, Displays, and Events, section 6, paragraph 1 states dealers from contiguous counties may be invited to participate in an

off-premise sale provided there is no local dealer selling the manufacturer's product line.

ORDER

The Commission finds the violations of Commission statutes by DKA Enterprises Inc. dba Xtreme Machines and Darrell Aultman warrants a letter of warning as satisfied by the 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 _____
F. S. Stroope, Chairman

Date: _____