

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

AP# 15-004

TAMMY ALEXANDER

VS.

NORTH POINT NISSAN

NOTICE OF VIOLATION

IT HAS BEEN determined by the Arkansas Motor Vehicle Commission (hereinafter "Commission") that North Point Nissan (hereinafter "North Point"), a licensed dealer, violated the motor vehicle commission statute when they failed to deliver a certificate of title within a reasonable period of time. This action is in direct violation of the Arkansas Motor Vehicle Commission Act, Ark Code Ann. §23-112-101, et seq., pursuant to Ark. Code Ann. §23-112-204. If the Commission determines that a firm or individual violated the Commission Act or Rules, they may revoke or suspend the license, or impose a monetary penalty in lieu of revocation or suspension if the public interest would not be impaired thereby and the payment of the penalty will achieve the desired disciplinary results.

FACTUAL BACKGROUND

The Commission finds the following facts as true:

- F1. North Point Nissan is a licensed new motor vehicle dealer located at I-430 Colonel Glenn, Little Rock, AR.
- F2. The Commission received a notarized complaint from Tammy Alexander on September 21, 2015, against North Point Nissan, which included the following allegations:

- a. On August 23, 2014, Tammy Alexander purchased a 2005 Jeep Liberty and registered the vehicle in September 2014.
 - b. On October 1, 2014, Ms. Alexander received a letter from the Office of Motor Vehicle Suspense Unit indicating her application for title was in suspense pending receipt of the “title or manufacturer statement of origin (MSO).” Ms. Alexander contacted North Point and was told they were working on getting the title.
 - c. On August 18, 2015, Ms. Alexander received another letter from the Office of Motor Vehicle Suspense Unit indicating her application for title remained in suspense pending receipt of the “title or manufacturer statement of origin (MSO).” Ms. Alexander again contacted North Point and spoke to Michaela who told Ms. Alexander that she was new, did not know about the title problem, and needed ten (10) days.
- F3. Investigator Gordon McCoy visited North Point and spoke with the Executive Manager Paul Francis and Tammy Dashiell who assured him the matter would be resolved in the next five (5) days.
- F4. On October 2, 2015, Ms. Alexander contacted the Commission to advise the Office of Motor Vehicles received the title and her vehicle was being registered.
- F5. The Commission’s ad hoc committee met on October 21 , 2015, and made a recommendation which was approved during the October 21, 2015, Commission meeting to issue a Notice of Violation to North Point.

APPLICABLE LAW

- L1. Motor vehicle dealers are required to conform their conduct to the Motor Vehicle Commission Act, Ark. Code Act § 23-112-101, *et seq.* and the Rules promulgated by the Commission pursuant to Ark. Code Act § 23-112-204.
- L2. Failure to comply with any provision of the AMVC Act may lead to revocation or suspension of the license as per Ark. Code Ann. § 23-112-308(a)(4). The Commission may issue a monetary penalty in lieu of revocation or suspension as per Ark. Code Ann. § 23-112-309.
- L3. Pursuant to Ark. Code Ann. § 23-112-308, the Commission may suspend or revoke a license for any of the following reasons:
 - A. For failure to comply with any provisions of this chapter or with any rule or regulation promulgated by the commission, Ark. Code Ann. § 23-112-308(a)(4);
 - B. For continued violation of any provisions of this chapter or any of the rules of the Commission, Ark. Code Ann. § 23-112-308(a)(6);
 - C. For any violation of any law relating to the sale of motor vehicles, Ark. Code Ann. § 23-112-308(a)(7); and,
 - D. Failure of a dealer to submit or deliver a certificate of title or a manufacturer's certificate of origin within a reasonable period of time, Ark. Code Ann. § 23-112-308(a)(26).

CHARGE

- C1. North Point violated the Motor Vehicle Commission Act when it failed to deliver a certificate of title for Ms. Alexander's vehicle purchase in a reasonable period of

time. This charge is based on the facts as stated and referenced above, and the provisions of law set out in paragraphs L1, L2, and L3.

AS A RESULT OF THESE VIOLATIONS, you are hereby directed to pay a civil penalty in the amount of one thousand dollars (\$1,000.00).

The Commission finds the violations of Commission statutes and rules by North Point warrant a suspension of North Point's license for failure to comply with provisions of the Commission Act and Rules promulgated by the Commission as per the applicable law stated above.

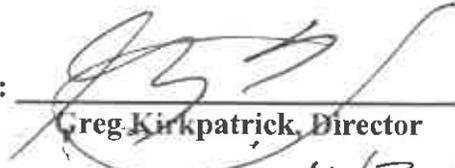
The Commission finds that in lieu of a suspension of North Point's license the public interest would not be impaired and the payment of a penalty will achieve the desired disciplinary result by issuing a monetary penalty against North Point in accordance with Ark. Code Ann. § 23-112-309 in the amount of one thousand dollars (\$1,000.00).

This amount should be sent to the Commission within seven (7) days of receipt of this Notice of Violation.

IF YOU DESIRE TO CONTEST the alleged violation or the penalty imposed, please so indicate on the attached form and return to the Commission Office within seven (7) days and this matter will be set for an evidentiary hearing before the Commission.

ARKANSAS MOTOR VEHICLE COMMISSION

By: _____


Greg Kirkpatrick, Director

Date: _____

11/3/2015