

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

H # 10-007

CARSWHOLESALE.NET & GREG DEATON

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on August 18, 2010, to determine whether carswholesale.net and Greg Deaton violated the Arkansas Motor Vehicle Commission Act, Ark Code Ann. §23-112-101, *et seq.*, and the Rules promulgated by the Commission pursuant to Ark Code Ann. §23-112-204. The charges before the Commission concerned whether carswholesale.net and Greg Deaton violated Commission statutes by displaying and offering for sale vehicles from a location not on its license.

The Respondent, Greg Deaton, dba carswholesale.net was not present for the hearing.

After hearing testimony from Investigator Danny Holmes and reviewing documents received in evidence, the Commission makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

- F1. On March 4, 2010, Investigator Danny Holmes observed six (6) new scooters on display and offered for sale at Caddo Valley Auto Care – U-HAUL at 139 Valley in Caddo Valley, Arkansas.
- F2. Investigator Holmes was approached in the parking lot by Steve Kelly. Mr. Kelly stated the vehicles were new, and provided the price for each vehicle.
- F3. Mr. Kelly called Greg Deaton, the owner of the business. Mr. Deaton is the owner of carswholesale.net, which is currently licensed by the Commission to sell new motor vehicles at 1529 Pine Street in Arkadelphia, Arkansas. The vehicles on display and

offered for sale at Caddo Valley Auto Care – U-HAUL were the same brand of vehicle that CarsWholesale.net is licensed to sell.

- F4. Investigator Holmes spoke to Mr. Deaton and informed him of the violation of selling new motor vehicles from an unlicensed location. Mr. Deaton told Investigator Holmes that he would contact Vicki Wright, the Commission’s License Supervisor, on changing the address and business name of carswholesale.net to Caddo Valley Auto Care – U-HAUL.
- F5. As of March 31, 2010, the Commission has received an application, a bond rider, and an insurance rider from Mr. Deaton to obtain a license for Caddo Valley Auto Care – U-HAUL, however, the Commission was still not in receipt of a franchise agreement amendment or a new franchise agreement from the distributor approving the relocation. As a result, the Commission had not issued a license to Caddo Valley Auto Care – U-HAUL at 139 Valley in Caddo Valley, Arkansas.
- F6. On April 1, 2010, the Commission issued a Notice of Violation, AP# 10-004, in which the Ad Hoc Committee recommended a fine of three hundred dollars (\$300.00). carswholesale.net and Greg Deaton contested the allegations set forth in the Notice of Violation.
- F7. As of the August 18, 2010, hearing date, carswholesale.net was still not licensed for 139 Valley in Caddo Valley, Arkansas, and continued to operate at the unlicensed location.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Commission makes the following

Conclusions of Law:

C1. Carswholesale.net and Greg Deaton violated Commission statutes by displaying and offering for sale new motor vehicles from a location not on its license.

ORDER

The Commission finds the violations of Commission statutes by Greg Deaton dba carswholesale.net, warrants suspension of its current license and a civil penalty in the amount of three hundred dollars (\$300.00). The suspension will be lifted upon carswholesale.net completing the proper license paperwork for the unlicensed location and payment of the assessed penalty which is to be completed within thirty (30) days of receipt of this Order.

In accordance with §23-112-309(a)(2), the Commission has the power and authority to require the licensee to pay the monetary penalty with the sanction that the license may be suspended until the penalty is paid, which shall not exceed ninety (90) days from entry of the Commission's Order or Final Order on appeal.

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 _____
Joe Morgan, Chairman

Date: _____